

COUNCIL MINUTES

August 2, 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 August 2, 1999 at 5:45 p.m.

COUNCIL PRESENT

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

COUNCIL ABSENT

None

POLICE OFFICER
PRESENT

Lyle Burton

OFFICERS PRESENT

C.K. Luster
Neal Beets
Barbara Jones

The Invocation was given by Reverend Peter Perry, Our Savior's Lutheran Church.

The Pledge of Allegiance was led by Officer Lyle Burton.

(Items on the agenda were discussed out of order but for purposes of clarity will remain as listed on the agenda.)

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 17 and 30 and July 8, 15, 17,19 and 22, 1999 be approved.

Carried unanimously.

2. Consider all consent agenda items.

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

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

Carried unanimously.

3. Consider the following liquor license applications:

*a. JACK D. PILKINGTON, AGENT

Person transfer Bar License for Septembers Bar & Grill, 500 W. Southern Avenue. This is an existing business and building. This transfer is from Jack D. Pilkington, Owner, Septembers Bar & Grill.

*b. TROY J. LANE, AGENT

New Beer and Wine Store License for Chevron, 4356 E. University Drive. This is a new building, which is currently under construction, no previous liquor licenses at this location.

*c. HARUT H. KIRAKOSIAN, AGENT

New Beer and Wine Store License for Dollar Zone, 1930 E. Broadway Road, #2. This is an existing business and building. The Beer and Wine Store License previously held at this location by Harut H. Kirakosian, Owner, Dollar Zone, will revert back to the State.

*d. JEFFREY L. PAYNE, AGENT

New Beer and Wine Store License for Phillips 66 - Store #29022, 2808 S. Dobson Road. This is a new building which is currently under construction, no previous liquor licenses at this location.

*e. JEFFREY L. PAYNE, AGENT

New Beer and Wine Store License for Phillips 66 - Store #57294, 1810 S. Country Club Drive. This is a new building which is currently under construction, no previous liquor licenses at this location.

*f. JEFFREY L. PAYNE, AGENT

New Beer and Wine Store License for Phillips 66 - Store #29017, 4425 E. Main Street. This is a new building which is currently under construction, no previous liquor licenses at this location.

*g. JOHN R. LONSINGER, ETAL

New Beer and Wine Store License for 7-Eleven 32393A, 4354 E. Baseline Road. This is an existing business and building. The Beer and Wine Store License previously held at this location by Paul Beer, Agent, 7-Eleven Store 2081-32393, will revert back to the State.

h. CORY M. WATTERBERG, AGENT

New Restaurant License for Arizona's Mongolian Grill, 2662 E. University Drive, #102. This is an existing building, no previous liquor licenses at this location.

In response to a request from Mayor Brown, Assistant Fire Chief Bob DeLeon discussed staff's recommendation that the Council vote to deny the applicant's request and provided justification to support their recommendation.

It was moved by Councilmember Kavanaugh, seconded by Councilmember Davidson, that the recommendation of staff be approved and that the license be denied.

Carried unanimously.

*i. CLARE HOLLIE ABEL, AGENT

New Restaurant License for On the Border Mexican Café, 1665 S. Stapley Drive. This is a new building which is currently under construction, no previous liquor licenses at this location.

*j. ALAN J. LESSARD, AGENT

New Restaurant License for Rubio's Baja Grill, 1649 S. Stapley Drive, #104. This is a new building which is currently under construction, no previous liquor licenses at this location.

*k. ROBERT P. HAMMEREL, AGENT

New Club License for American Legion Post #27, 1018 S. Meridian, Building 2. This is a new building which is currently under construction, no previous liquor licenses at this location.

4. Consider the following contracts:

*a. Electric substation control panels as requested by the Utilities Department.

The Purchasing Division recommends accepting the low bid by Crown Technical Systems at \$179,779.00 plus 5% use tax of \$8,988.95 for a total of \$188,767.95 based on estimated requirements.

*b. Replacement Plotter for the Engineering Division as requested by the Information Services Division (ISD). This plotter will replace the currently-installed plotter used in conjunction with Geographic Information System (GIS) projects.

The Purchasing Division recommends authorizing purchase from the State of Arizona contract with CompUSA for a total of \$12,042.41 including tax and a three-year extended maintenance agreement.

*c. Two-year Supply Contracts for Network Cables and Cabling Supplies as requested by the Information Services Division (ISD). These contracts will continue to provide the cables and supplies necessary to install PCs in various City departments and to connect City facilities to the City's network.

The Purchasing Division recommends awarding two-year supply contracts, with the option to extend the contracts for an two additional years, to the lowest bidders meeting specification:

Anixter as primary supplier for Groups 3, 5-6, 8, 12, 20-21, and 25, Communications Supply Corporation as primary supplier for Groups 2, 9-10, 13-15, and 22-24, and Graybar Electric as primary supplier for Groups 1, 4, 7, 11, and 16-19. The combined total award for network cables and cabling supplies is \$375,000.00, based on estimated annual requirements. Staff projects that 60% (\$225,000) of the total annual expenditures will be with Anixter, 28% (\$105,000) with Communications Supply Corporation, and 12% (\$45,000) with Graybar Electric.

In order to assure continuity of supply, the Purchasing Division also recommends awarding secondary supply contracts to Anixter for Groups 1, 7, 9, 14, 19, 22-24, Communications Supply Corporation for Groups 4, 11, 17, and 21, and Graybar Electric for Groups 2-3, 5-6, 8, 10, 12-13, 15, 20, and 25. The secondary supplier will be utilized in the event that the primary supplier cannot meet the City's requirements.

- *d. Residential Street Lighting Project; Extension Road to Country Club Drive, Clark Street to Main Street. City of Mesa Project No. 98-68.

This project involves installing new street lighting in an existing neighborhood in Mesa.

Recommend award to low bidder, Utility Power Plus, Inc., in the amount of \$148,446.00.

- e. CAP Canal Sewer Extension Phase II. City of Mesa Project No. 97-14.1.

This project involves the installation of a new sewer line paralleling the CAP Canal beginning at McKellips and Sossaman Roads and proceeding southeast to an existing sewer at the CAP Canal and McLellan Road alignment.

Recommend award to low bidder, S.J. L. Construction of Arizona in the amount of \$497,091.00.

Councilmember Hawker indicated that he had a potential conflict of interest in connection with the matter now under discussion which he wanted recorded in the minutes of the meeting, and because of such conflict of interest, he would refrain from voting upon or otherwise participating in any manner in connection with same.

Councilmember Jaffa indicated that he had a potential conflict of interest in connection with the matter now under discussion which he wanted recorded in the minutes of the meeting, and because of such conflict of interest, he would refrain from voting upon or otherwise participating in any manner in connection with same.

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

Upon tabulation of votes, it showed:

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

Mayor Brown declared the motion carried unanimously by those voting.

- f. Baseline and Price Roads Odor Control, Immediate Improvements. City of Mesa Project 98-83.

This project is the first phase of a two-phase project to provide access and odor control to a sewer meter structure located on Baseline Road at the Price Freeway.

Recommend award to low bidder, RDH Environmental Services, in the amount of \$160,139.00.

Councilmember Kavanaugh stated that this area of the City has been the subject of continuing problems and expressed appreciation to staff for their efforts to improve the conditions at that site.

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

Carried unanimously.

5. Introduction of the following ordinances and setting August 30, 1999, as the date of 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. **A99-1** Annexing the 8800 through 9000 blocks of Broadway Road (north and south).
- *b. Prohibiting parking on the east side of 22nd Place from Main Street to a point 1,300 feet north of Main Street, on the east side of Solomon from a point 220 feet south of Broadway Road to Third Avenue, and on the west side of Solomon from Broadway Road to a point 135 feet north of Broadway Road, as recommended by the Transportation Advisory Board.
- *c. Amending the service area of the non-exclusive license ordinance 3504 that was granted to Eagle West L.L.C. to construct, install, and operate lines, wires, coaxial cable and appurtenances for originating, receiving, distributing and supplying radio, television and other cable communication services along, across and upon the public streets, ways, alleys, and places within a portion of the City of Mesa.

6. Consider the following resolutions:

- a. Establishing a City policy addressing the reclassification of real and personal property tax under a Foreign Trade Zone designation - Resolution No. 7414.

Councilmember Jaffa indicated that he had a potential conflict of interest in connection with the matter now under discussion which he wanted recorded in the minutes of the meeting, and because of such conflict of interest, he would refrain from voting upon or otherwise participating in any manner in connection with same.

It was moved by Vice Mayor Giles, seconded by Councilmember Kavanaugh, that Resolution No. 7414 be adopted.

Upon tabulation of votes, it showed:

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

Mayor Brown declared the motion carried unanimously by those voting and Resolution No. 7414 adopted.

- *b. Extinguishing a portion of a public utility easement at 2326 East Camino Street - Resolution No. 7409.

The easement is not being used and is in conflict with the construction of a new garage.

- *c. Extinguishing a temporary drainage easement at 6644 East Baywood Avenue - Resolution No. 7410.

A permanent drainage area has been constructed making this temporary easement no longer necessary.

- *d. Approving and authorizing the City Manager to execute an Intergovernmental Agreement among the cities of Mesa, Chandler, Glendale, Goodyear, Peoria, and Scottsdale for joint legal representation in the settlement efforts relating to the Central Arizona Project contract litigation - Resolution No. 7411.

7. Consider resolutions and ordinances modifying rate schedules for the following utility services:

- a. Water and irrigation - Resolution No. 7415 and Ordinance No. 3670.

Vice Mayor Giles stated that for the purpose of remaining consistent, he will vote in opposition to the proposed modifications to the rate schedules for the three utilities listed in agenda items 7 a, b and c.

It was moved by Councilmember Pomeroy, seconded by Councilmember Jaffa, that Resolution No. 7415 and Ordinance No. 3670 be adopted.

Upon tabulation of votes, it showed:

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

Mayor Brown declared the motion carried by majority vote and Resolution No. 7415 and Ordinance No. 3670 adopted.

- b. Wastewater - Resolution No. 7416 and Ordinance No. 3671.

It was moved by Councilmember Davidson, seconded by Councilmember Jaffa, that Resolution No. 7416 and Ordinance No. 3671 be adopted.

Upon tabulation of votes, it showed:

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

Mayor Brown declared the motion carried by majority vote and Resolution No. 7416 and Ordinance No. 3671 adopted.

- c. Gas - Resolution No. 7417 and Ordinance No. 3672.

Councilmember Pomeroy stated that in order to remain consistent in his voting, he will vote in opposition to the approval of the proposed gas increases.

It was moved by Councilmember Jaffa, seconded by Councilmember Kavanaugh, that Resolution No. 7417 and Ordinance No. 3672 be adopted.

Upon tabulation of votes, it showed:

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

Mayor Brown declared the motion carried by majority vote and Resolution No. 7417 and Ordinance No. 3672 adopted.

*8. Consider a resolution and ordinance modifying rate schedules for solid waste utility service - Resolution No. 7412 and Ordinance No. 3653.

*9. Consider a resolution and ordinance modifying rate schedules for intergovernmental utility rates and charges for other related services - Resolution No. 7413 and Ordinance No. 3654.

10. Consider the following ordinance:

*a. Relating to animals, public health and public nuisances; amending Title 6, Chapter 4 of the Mesa City Code by amending Section 6-4-1 and adding Section 6-4-31; and providing for penalties - Ordinance No. 3655.

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

*a. **Z99-31** Parcel 6B of Red Mountain Ranch. Rezone from R1-9-DMP to R1-9-PAD-DMP and Site Plan Review (6.9± acres). This case involves the development of a single residence subdivision. Ray Mehan, owner; Ralph Pew, applicant - Ordinance No. 3656.

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

1. Compliance with the R1-9-PAD development as shown on the site plan and preliminary plat submitted on June 17, 1999, except as noted below.
2. Compliance with the Residential Development Guidelines.
3. Compliance with all requirements of the Public Works Department (Engineering and Traffic Engineering, etc.).
4. Dedicate the right-of-way required under the Mesa City Code at the time of recordation of the subdivision plat, or at the time of the City's request for dedication, whichever comes first.
5. Compliance with all requirements of the Subdivision Technical Review Committee.
6. Compliance with revised letter dated June 17, 1999 from Ralph Pew which is included in the zoning case file.
7. Owner granting an Avigation Easement and Release to the City, pertaining to Falcon Field Airport which will be prepared and recorded by the City (concurrently with the recordation of the final subdivision map, prior to the issuance of a building permit).
8. Written notice be provided to future residents, and acknowledgment received that the project is within four miles of Falcon Field Airport.
9. Noise attenuation measures be incorporated into the design and construction of the homes to achieve a noise level reduction of 25 db.

*b. **Z99-47** 1655 North Stapley Drive. Rezone from O-S to R1-9 (.5± acre). This case involves the change of land use of an existing structure to allow residential uses. Gary Moore, owner/applicant - Ordinance No. 3657.

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.).
- c. **Z99-55** The southwest corner of McKellips Road and 48th Street. Requesting a Council Use Permit (33± acres). This case involves the development of a Super Wal-Mart. Mary Habeeb, owner; Rod Jarvis; applicant. **THIS CASE IS BEING CONTINUED TO THE SEPTEMBER 20, 1999 CITY COUNCIL MEETING.**

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

1. Compliance with the basic development as described in the project narrative and as shown on the site plan and elevations submitted, except as noted below.
2. Review and approval by the Planning and Zoning Board, Design Review Board and City Council of future development plans for the three (3) undefined pad uses.
3. Compliance with all City development codes and regulations.
4. Compliance with all requirements of the Public Works Department (Engineering and Traffic Engineering, etc.).
5. Dedicate the right-of-way required under the Mesa City Code at the time of application for a building permit, at the time of recordation of the subdivision plat, or at the time of the City's request for dedication, whichever comes first.
6. Compliance with all requirements of the Design Review Board.
7. All pad buildings to be architecturally compatible with the center.
8. Non-conforming and/or prohibited signs shall be brought into conformance prior to the issuance of a building permit.
9. Review and approval of a Special Use Permit by the Board of Adjustment for gas pumps.
10. Owner granting an Avigation Easement and Release to the City, pertaining to Falcon Field Airport which will be prepared and recorded by the City (concurrently with the recordation of the final subdivision map, prior to the issuance of a building permit).
11. Landscaping, a minimum of 20' wide, be provided along McKellips Road; an 8' wall be provided along the south property line; and the out-door activity areas along the east side of Wal-Mart (garden and tire) be screened by a 6' wall and/or berm.

Rod Jarvis, 2600 North Central, an attorney representing the applicant, informed the Council that this case has received staff's support and the approval of the Design Review Board. Mr. Jarvis added that the proposal is also the recipient of widespread citizen support and discussed the positive results that were received as a result of a survey that was mailed to area residents.

Mr. Jarvis noted that Barbara Bush Elementary School is located in close proximity to the proposed project and stated that in response to concerns expressed by residents, efforts will be initiated to ensure the continued safety of the students.

Discussion ensued relative to installing a cross walk, posting 15-mile per hour signs, the placement of speed humps and overall efforts to discourage traffic in and around the school site, the fact that the developer has offered to present the Parent Teacher's Organization (PTO) with \$15,000 to cover the cost of the items listed to enhance safety, and the fact that the population of the surrounding residential area is growing at a rapid speed and projects such as the proposed Wal-Mart are necessary to meet the needs of residents in that area.

Mayor Brown thanked Mr. Jarvis for his input and stated that a number of citizens have filled out speaker slips and wish to present their remarks at this time.

The following citizens (listed in order of appearance) spoke in support of the proposed project and commented on the fact that Wal-Mart would generate substantial tax revenues for the City, the fact that an additional employment base would be established, discussed the lack of adequate shopping in the area, indicated a need for competitive prices, commented on the fact that Wal-Mart has gained an excellent reputation for providing youths with scholarships, and stated the opinion that the project would be compatible with surrounding zoning:

James Bresnahan	45 West Phyllis
Dan Hellman	2425 East Menlo
Darlene Ball	2747 East Kael
Liberty Kallberg	3122 East Leonora
Terri Jonas	4222 East Brown, #5
Neil Richards	2953 East Norwood

The following citizens (listed in alphabetical order) submitted written comments in support of the project but indicated that they did not wish to speak on this issue:

Jeremy Acton	3319 East University, #460
Carolyn Henderson	6933 East Jensen
Glennnda Kirk	854 South Sunnyvale
Jeremy Knutson	424 West Brown
Woody Larson	3865 West Ivanhoe, Chandler
Donald Lawrence	1535 East 3rd Place
Linda Pryor	825 North 95th Place
Tony Tabler	7131 East Jensen
Edward Wingert	601 West Edgewood

The following citizens (listed in order of appearance) spoke in opposition to the proposed project and expressed concerns relative to the fact that the site is in close proximity to Barbara Bush Elementary School, potential traffic safety hazards for the children attending that facility, neighborhood preservation and compatibility issues, lack of notification to neighbors who would be affected by the proposed facility, increasing noise levels and traffic, and potential negative impacts on existing businesses in the area:

Michael Day	4865 East Halifax
Jim McLaughlin	2401 North Central, Phoenix
George Fahnbulleh	3850 East Huber, #6
Ginny Brindis	4662 East Hannibal
Peggy Phillips	4849 East McLellan
Catherine Trier	4950 East Golden
James Wise	4829 East Hannibal

Mayor Brown thanked the speakers for their input.

In response to a question from Councilmember Kavanaugh, Mr. Jarvis commented that although a site does exist that would accommodate the Wal-Mart store on Indian reservation land should the Council deny the applicant's request, he is not aware of any alternate plans to do so at this time. Mr. Jarvis noted that the proposed site has been identified as the only suitable location for a Wal-Mart facility in the northeast Mesa area.

Community Development Manager Wayne Balmer informed the Council that the area under discussion is zoned "Commerce Park," which allows offices, warehouses, manufacturing facilities, and retail uses. Mr. Balmer noted that retail uses larger than 650,000 square feet would require Council Special Use Permits. Mr. Balmer stated that the project would comply with Mesa's General Plan but added that the Council would have to determine whether the location is appropriate for a Council Special Use Permit to expand the size of the facility.

Discussion ensued relative to Mr. Jarvis' opinion that the proposed project would enhance the aesthetics of the neighborhood and provide a much needed service to the residents in and around the area, the developer's willingness to increase landscaping at the site and construct tree diamonds in the parking lot, the fact that drive-thru restaurants will not be constructed on any of the pads surrounding the site, the developer's intention to attract high quality restaurants to the area, and the applicant's efforts to address neighbors' concerns.

Councilmember Pomeroy stated that the most crucial issue is the safety of the children attending Barbara Bush Elementary School. Councilmember Pomeroy commented that he knows the former principal of the school on both a professional and personal basis and said that based on the fact that the former principal does not believe that a traffic safety hazard would occur as a result of the project, he will vote in support of the applicant's request.

Mayor Brown concurred with Councilmember Pomeroy's remarks and noted that the site was initially recommended to the developer by staff as a compromise (alternate) location for the project. Mayor Brown commented that he will support a motion to approve the case.

Additional discussion ensued relative to the hours during which liquor may be sold, the applicant's offer to provide funds to the PTO to construct speed humps and other safety measures in and around the school site, the fact that the area around Falcon Field Airport is an excellent site for aviation and aviation-related businesses, the fact that the airport seeks aviation tenants when vacancies occur, and staff's opinion that the project would be compatible with the northeast Mesa area.

Vice Mayor Giles commented that unfortunately Mesa Public Schools did not involve the City of Mesa in the siting of the Barbara Bush Elementary School and stated the opinion that the proposed project may be more appropriate for that particular area than other allowed industrial/commercial uses. Vice Mayor Giles said that he will vote in favor of the project.

Councilmember Davidson noted that the City's Economic Development Advisory Board has expressed opposition to the approval of this case and commented on the fact that he relies heavily on the recommendations that are provided by citizen advisory boards. Councilmember Davidson stated the opinion that the development of a Wal-Mart store may not be compatible with the City's long-term economic development goals for that area. Councilmember Davidson indicated that he will not support the project.

Councilmember Kavanaugh discussed his policy of considering each case on an individual basis and said that his opposition to the current proposal is based on the opinion that the project does not constitute a good use of the property. Councilmember Kavanaugh commented on efforts that have been expended to accelerate the construction of the Red Mountain Freeway and enhance economic development in that area. Councilmember Kavanaugh recommended that the input of the City's newly-appointed Economic Development Director be solicited prior to proceeding with this case. Councilmember Kavanaugh also stressed the importance of ensuring the availability of aviation-related space in the future and cautioned the members of the Council not to approve a project based on anticipated sales tax revenues that will ultimately hamper the City's economic development goals. Councilmember Kavanaugh said that he will vote in opposition to the approval of this case.

Councilmember Hawker commented on the importance of carrying out the goals of the General Plan in order to ensure that both the City's long and short term economic development goals are met. Councilmember Hawker expressed the opinion that the development of a Wal-Mart store on this site would not be appropriate and stated concern that the project would set a precedent for retail development at that location. Councilmember Hawker concurred with Councilmember Kavanaugh's remarks and said that the Council should initiate plans to protect employment areas in the City of Mesa. Councilmember Hawker advised that he will not support a motion to approve this case.

Councilmember Jaffa noted that Barbara Bush Elementary School is located at least 1,000 feet from the proposed Wal-Mart site and said that he is not certain at this time that the proximity of the school to the project is an issue. Councilmember Jaffa stated that he would prefer to continue this case for 30 to 45 days or until the members of the PTO and residents in the immediate area are provided an opportunity to formally present input and recommendations regarding this matter.

Mr. Jarvis informed the Council that he and his client are willing to continue to work with the parents and residents in the area to address any concerns that may exist. Mr. Jarvis commented on the fact that the union has already stated their opposition to this case and said that a continuance would provide that entity with sufficient time to gain support in their efforts to defeat the case.

It was moved by Councilmember Pomeroy, seconded by Vice Mayor Giles, that Zoning Case Z99-55 be approved.

In response to a question from Councilmember Jaffa, City Attorney Neal Beets advised that there is no basis upon which Councilmember Jaffa may legally abstain from voting on this matter.

Upon tabulation of votes, it showed:

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

Mayor Brown declared the motion failed by majority vote.

It was moved by Councilmember Jaffa, seconded by Vice Mayor Giles, that Zoning Case Z99-55 be reconsidered.

Upon tabulation of votes, it showed:

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

Mayor Brown declared the motion carried by majority vote.

It was moved by Councilmember Jaffa, seconded by Councilmember Davidson, that Zoning Case Z99-55 be continued to the September 21, 1999 Regular Council Meeting.

Carried unanimously.

- *d. **Z99-56** Parcel 8 at Las Sendas. Rezone from R1-90-DMP (Conceptual R-2-PAD) to R-2-PAD-DMP (21± acres). This involves development of condominiums and townhouses. Sonoran Desert

Holdings, L.L.C., owner; Represented by: Jeff Blandford; Cachet Capital, Inc. applicant,
Represented by: M. H. Cody - Ordinance No. 3658.

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 preliminary plat 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. 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. Written notice be provided to future residents, and acknowledgment received that the project is within four miles of Falcon Field Airport.

- *e. **Z99-57** Parcel 1 at Las Sendas. Rezone from R1-90-DMP to R1-35-PAD-DMP (56.5 acres). This case involves development of a 51 lot subdivision. Sonoran Desert Holdings, L.L.C., Agent for Owner; Represented by: Jeff Blandford, Manager; Robert Proehl applicant - Ordinance No. 3659.

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 preliminary plat 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. 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. Written notice be provided to future residents, and acknowledgment received that the project is within four miles of Falcon Field Airport.

- *f. **Z99-58** Parcel 3 at Las Sendas. Rezone from R1-90-DMP to R1-35-PAD-DMP (39.5 acres). This case involves development of a 39 lot subdivision. Sonoran Desert Holdings, L.L.C., Agent for Owner; Represented by: Jeff Blandford, Manager; Robert Proehl applicant - Ordinance No. 3660.

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 preliminary plat 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. 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. Written notice be provided to future residents, and acknowledgment received that the project is within four miles of Falcon Field Airport.

*g. **Z99-59** Parcels 5 and 6 at Las Sendas. Modification of the DMP from patio home development to single family detached and rezone from R-2-DMP and R1-90-DMP (Conceptual R1-7-PAD and R-3) to R1-9-PAD-DMP (32.7 acres). This case involves development of a 78 lot subdivision. Sonoran Desert Holdings, L.L.C., Agent for Owner; Represented by: Jeff Blandford, Manager; Robert Proehl applicant - Ordinance No. 3661.

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 preliminary plat 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. 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. Written notice be provided to future residents, and acknowledgment received that the project is within four miles of Falcon Field Airport.

*h. **Z99-60** Parcel 31 at Las Sendas. Rezone from R1-35-DMP (Conceptual R1-43) to R1-35-PAD-DMP (76.6 acres). This case involves development of a 71 lot subdivision. Sonoran Desert Holdings, L.L.C., Agent for Owner; Represented by: Jeff Blandford, Manager; Robert Proehl applicant - Ordinance No. 3662.

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 preliminary plat 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. 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. Written notice be provided to future residents, and acknowledgment received that the project is within four miles of Falcon Field Airport.

- *i. **Z99-61** Parcel B at Las Sendas Mountain. Rezone from R1-90-DMP to R1-35-PAD-DMP (33.8 acres). This case involves development of a 32 lot subdivision. Sonoran Desert Holdings, L.L.C., Agent for Owner; Represented by: Jeff Blandford, Manager; Robert Proehl applicant - Ordinance No. 3663.

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 preliminary plat 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. 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. Written notice be provided to future residents, and acknowledgment received that the project is within five miles of Falcon Field Airport.

- *j. **Z99-62** Parcel E at Las Sendas Mountain. Rezone from R1-90-DMP to R1-9-PAD-DMP (26.8 acres). This case involves development of a 58 lot subdivision. Sonoran Desert Holdings, L.L.C., Agent for Owner; Represented by: Jeff Blandford, Manager; Robert Proehl applicant - Ordinance No. 3664.

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 preliminary plat 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. 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. Written notice be provided to future residents, and acknowledgment received that the project is within five miles of Falcon Field Airport.

- *k. **Z99-63** Parcel F at Las Sendas Mountain. Rezone from R1-90-DMP to R1-9-PAD-DMP (26+ acres). This case involves development of a 59 lot subdivision. Sonoran Desert Holdings, L.L.C., Agent for Owner; Represented by: Jeff Blandford, Manager; Robert Proehl applicant - Ordinance No. 3665.

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 preliminary plat 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. 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. Written notice be provided to future residents, and acknowledgment received that the project is within five miles of Falcon Field Airport.

- *l. **Z99-64** Parcels H and I at Las Sendas Mountain. Modification of the DMP to incorporate a new parcel (I) and rezone from R1-90-DMP to R1-35-PAD-DMP (41 acres). This case involves development of a 41 lot subdivision. Sonoran Desert Holdings, L.L.C., Agent for Owner; Represented by: Jeff Blandford, Manager; Robert Proehl applicant - Ordinance No. 3666.

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 preliminary plat 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. 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. Written notice be provided to future residents, and acknowledgment received that the project is within five miles of Falcon Field Airport.

- m. **Z99-65** Parcel J at Las Sendas Mountain. Rezone from R1-90-DMP to R1-35-PAD-DMP (44.5 acres). This case involves development of a 40 lot subdivision. Sonoran Desert Holdings, L.L.C., Agent for Owner; Represented by: Jeff Blandford, Manager; Robert Proehl applicant - Ordinance No. 3673.

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 preliminary plat 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. 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. Written notice be provided to future residents, and acknowledgment received that the project is within five miles of Falcon Field Airport.

Councilmember Jaffa requested that Mr. Jeff Blandford stand and be recognized for his efforts to develop this quality subdivision consisting of 40 R1-35 lots.

Councilmember Davidson, speaking on behalf of Carol Owens who was not present at the time, encouraged Mr. Blandford to preserve as much of the desert/wildlife areas as possible and stressed the importance of protecting the City's natural habitat.

It was moved by Councilmember Jaffa, seconded by Councilmember Kavanaugh that Ordinance No. 3673 be adopted.

Carried unanimously.

- *n. **Z99-66** Parcels K and L at Las Sendas Mountain. Modification of the DMP to combine two parcels with one subdivision and rezone from R1-90-DMP to R1-9-PAD-DMP (46.7 acres). This case involves development of a 129 lot subdivision. Sonoran Desert Holdings, L.L.C., Agent for Owner; Represented by: Jeff Blandford, Manager; Robert Proehl applicant - Ordinance No. 3667.

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 preliminary plat 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. 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. Written notice be provided to future residents, and acknowledgment received that the project is within five miles of Falcon Field Airport.

- *o. **Z99-67** The southeast corner of Southern Avenue and Clearview. Rezone from AG (conceptual P.E.P. and M-1)-DMP to P.E.P. and M-1 with a DMP overlay and a Council Use Permit (24± acres). This case involves the development of a commercial/office/industrial complex. DMB Associates, owner; Poliquin Kellogg Design Group, applicant, Represented by: Brian Poliquin - Ordinance No. 3668.

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

1. Compliance with the basic development as described in the project narrative and as shown on the site plan, preliminary plat and elevations submitted, except as noted below.
2. Compliance with all City development codes and regulations.
3. Compliance with all requirements of the Public Works Department (Engineering and Traffic Engineering, etc.).

4. Dedicate the right-of-way required under the Mesa City Code at the time of application for a building permit, at the time of recordation of the subdivision plat, or at the time of the City's request for dedication, whichever comes first.
5. Compliance with all requirements of the Subdivision Technical Review Committee
6. Compliance with all requirements of the Design Review Board.
7. All buildings to be architecturally compatible.
8. Maximum retail use should not exceed 33% of the total building area for the complex.

*p. **Z99-68** The southwest corner of Brown and Recker Roads. Site Plan Modification (4± acres). This case involves the development of an Osco Drug. Jullian Geller, owner; L.E.A.D.S., applicant - Ordinance No. 3669.

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, Design Review Board and City Council of future development plans (vacant property east of Osco).
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 Design Review Board.
7. Landscaping to be installed along the south side of the AM/PM between the convenience store and the access drive off Recker. (This may be modified if development of the vacant area east of Osco warrants a redesign as per Condition #2.)

12. Consider the following subdivision plats:

- *a. "GRAYFOX AT LAS SENDAS" - The 7300-7600 blocks of East McDowell Road (south side) 186 R1-7 PAD DMP single residence lots (55.6 acres) Sonoran Desert Holdings, L.L.C., developer; Wood, Patel and Associates, engineer.
- *b. "SUNLAND SPRINGS VILLAGE GOLF CONDOMINIUM" - The 10900 block of East Medina Avenue (north side) 104 R-2 PAD DMP residential condominium units (12.6 acres) Transnation Title Insurance Company, developer; Clouse Engineering, Inc., engineer.
- *c. "FEATHERWIND AT LAS SENDAS" - The 7200-7300 blocks of East Eagle Crest Drive (south side) 53 R1-7 PAD DMP single residence lots (16.4 acres) Sonoran Desert Holdings, L.L.C., developer; Infinity Engineering Services, Ltd., engineer.
- *d. "DESERT SPRINGS AT ALTA MESA" - The 5400 block of East McKellips Road (south side) 113 R-2 PAD DMP residential condominium units (12.1 acres) Maracay Desert Springs, L.L.C., developer; Infinity Engineering Services, Ltd., engineer.

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

Carol Owens, a resident of Apache Junction, addressed the Council relative to Zoning Case Z99-55 (Las Sendas) and expressed concerns relative to the fact that although she was assured by the developer that the Harris hawks would be protected in and around the project site, this has not occurred. Ms. Owens stressed the importance of protecting wildlife and desert areas in Mesa.

Diane Heinz, a resident of Pioneer Estates, expressed appreciation to the Council for the recent adoption of an ordinance regulating non-human primates. Ms. Heinz also stated concern that the ordinance does not address serious health/safety hazards such as odors, noise, diseases and flies. Ms. Heinz encouraged the Council to pursue these issues in the future and strengthen the contents of the ordinance.

Monalisa Laucomer and Alex Kerr also addressed the Council relative to the non-human primate issue and stated that they are both the owners of a number of monkeys and possess significant knowledge regarding this matter. Mr. Kerr advised that animal odors occur only when owners are lax in maintaining/cleaning the cages and said that statistics relative to the virus Herpes B are based solely on lab animals, not monkeys bred for and sold as domestic pets. Ms. Laucomer informed the Council that monkeys attack only when provoked and cornered and have proven to be safe, friendly pets.

Mayor Brown thanked the speakers for their comments and recommended that they contact the Police Department and/or Animal Control Officer Diane Brady and provide input regarding this issue.

14. Adjournment.

Without objection, the Regular Council Meeting adjourned at 8:12 p.m.

Carried unanimously.

WAYNE BROWN, MAYOR

ATTEST:

BARBARA JONES, CITY CLERK

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the Regular Council Meeting of the City Council of Mesa, Arizona, held on the 2nd day of August 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