

COUNCIL MINUTES

January 3, 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 1st Street, on January 3, 2000 at 5:45 p.m.

COUNCIL PRESENT

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

COUNCIL ABSENT

Keno Hawker

POLICE OFFICER
PRESENT

Marc Therre

OFFICERS PRESENT

C.K. Luster
Neal Beets
Barbara Jones

Mayor Brown excused Councilmember Hawker from the meeting.

The Invocation was given by Reverend Tom Wick, St. Matthew United Methodist Church.

The Pledge of Allegiance was led by Kevin Adam.

State of the City message by Mayor Brown, including the presentation of the 1999 Annual Performance Report.

A pre-recorded State of the City address presented by Mayor Brown was aired for the members of the audience both at home and at the meeting. (Copy on file in the City Clerk's Office.)

1. Approval of minutes of previous meetings as written.

It was moved by Vice Mayor Giles, seconded by Councilmember Kavanaugh, that the minutes of December 16 and 20, 1999 be approved.

Mayor Brown declared the motion carried unanimously by those present.

2. Consider all consent agenda items.

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

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

Mayor Brown declared the motion carried unanimously by those present.

3. Conduct a public hearing for the following proposed annexation:

- a. **A99-8** The northeast corner of Mountain and Warner Roads (152.72± acres).

Mayor Brown announced that this is the time and place for a public hearing regarding A99-8, the Northeast corner of Mountain and Warner Roads.

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

4. Consider the following liquor license applications:

- *a. TROY J. LANE, AGENT

New Beer and Wine Store License for Gilbert Road Chevron, 1951 E. Brown Road. This is a new building, which is currently under construction, no previous liquor licenses at this location.

5. Consider the following contracts:

- *a. One custom built 1,066 gallon aquarium for the Southwest Museum as requested by the Parks, Recreation and Cultural Division.

The Purchasing Division recommends accepting the bid by Aquarium Arts at \$25,790.00 plus 5.70% sales tax of \$1,470.03 for a total of \$27,260.03.

- *b. One-year renewal of the annual supply contract for traffic paint used for striping roadways as requested by the Transportation Division.

The Purchasing Division recommends exercising the second and final one-year renewal option with the original low bid by Pervo Paint Company at \$117,229.70 plus 5% use tax of \$5,861.49 for a total of \$123,091.19, based on estimated requirements.

- *c. Two-year supply contract for insulated electrical connectors and accessories used for the underground electric distribution system as requested by the Utilities Department.

The Purchasing Division recommends accepting the low bid by Border States Electric for annual purchases estimated at \$46,196.35 plus 7.10% sales tax of \$3,279.94 for a total of \$49,476.29.

- *d. Twenty-eight Global Positioning System (GPS) Receivers for Police and Fire vehicles, as requested by the Communications Division. These devices will be used in the Automatic Vehicle Location (AVL) System.

The Purchasing Division recommends authorizing an additional purchase option from RFB #94086 with Trimble Navigation for \$41,216.00 plus 5% use tax of \$2,060.80 for a total of \$43,276.80.

- *e. Twenty-eight mobile radios as requested by Communications, to be used in the Automated Vehicle Location (AVL) System.

The Purchasing Division recommends authorizing purchase from the State of Arizona contract with Motorola Communications & Electronics for a total of \$31,964.77, including applicable tax and an express service plan.

- *f. Southern Avenue Drainage Improvements, Hawes Road to Sossaman Road. City of Mesa Project No. 97-56.1.

This project involves the construction of a box culvert to replace an existing, deteriorated concrete lined channel.

Recommend award to low bidder, Bison Contracting Company, Inc., in the amount of \$2,980,056.55.

- *g. Deleted.

- *h. 5th Avenue Improvements, City of Mesa Project No. 99-79.

This project consists of the widening of 5th Avenue between Stapley Drive and South Spencer.

Recommend award to low bidder, Gunsight Construction Corporation, in the amount of \$121,354.00.

- i. Dobson Ranch Golf Course Irrigation System Irrigation System Improvements, City of Mesa Project 99-21.

This project consists of replacing the golf course irrigation system at the City of Mesa Dobson Ranch Golf Course, located at 2155 South Dobson Road.

Recommend award to low bidder, Evergreen Lawn Sprinklers, Inc., in the amount of \$1,654,626.00.

In response to a request from Councilmember Pomeroy, Parks, Recreation and Cultural Director Joe Holmwood presented a brief overview of this project for the benefit of the audience.

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

Mayor Brown declared the motion carried unanimously by those present.

- j. Purchase of 20 40-foot Transit Vehicles.

Recommend purchasing through the City of Phoenix bid in the total amount of \$7,194,045.00.

Councilmember Kavanaugh commented on the significance of this purchase and the anticipated positive impacts of the additional vehicles on Mesa's current bus system.

In response to a request from Councilmember Kavanaugh, Transit Administrator Jim Wright provided an overview of the expanded services that will be offered as a result of the purchase and noted that funding from the City's Quality of Life Tax has helped to fund the project.

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

Mayor Brown declared the motion carried unanimously by those present.

6. Introduction of the following ordinances and setting January 18, 2000 as the date of public hearing on this ordinance:

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

- *a. Prohibiting parking on the north side of Covina Street from Gilbert Road to a point 1,400 feet west of Gilbert Road as recommended by the Transportation Advisory Board.
- *b. Relating to ethics; proposing that the voters approve amendments to the Mesa City Charter; amending Section 206 of the City Charter to clarify when Councilmembers can be disciplined or forfeit their office; amending Section 207 pertaining to fitness for office; establishing penalties for violations; and submitting these proposed Charter amendments to the voters for their consideration.

7. Consider the following resolutions:

- *a. Extinguishing an Easement for Public Utilities at 2852 N. Kashmir - Resolution No. 7455.

This easement is not being used and is no longer necessary.
- *b. Approving Williams Gateway Airport Authority entering into a lease-purchase agreement for certain improvements and equipment for use at Williams Gateway Airport.
CONTINUED TO THE JANUARY 18, 2000 REGULAR COUNCIL MEETING.
- *c. Authorizing the City Manager to execute an Intergovernmental Agreement between the State of Arizona Department of Transportation and the City of Mesa for the replacement of flashing lights and crossing gates at 8th Avenue and the Union Pacific Railroad - Resolution No. 7456.
- *d. Authorizing the City Manager to execute an Intergovernmental Agreement between the City of Mesa and Mesa Unified School District #4 for the funding of the Juvenile Accountability Incentive Block Grant Plan - Resolution No. 7457.

8. Consider the following ordinances:

- *a. **A98-9** Annexing the northeast corner of Warner and Power Roads (80.94± acres) - Ordinance No. 3727.
- *b. Amending Title 11, Chapter 6 of the Mesa City Code to allow small animal kennels and small animal grooming as permitted uses in the C-1 and C-2 districts - Ordinance No. 3728.

9. Consider the following resolution and ordinance:

- *a. Resolution declaring as a public record that certain document filed with the City Clerk and entitled "The 1999 Amendments to the Tax Code of the City of Mesa" - Resolution No. 7458.
- *b. Ordinance amending the Model City Tax Code as recommended by the Finance Committee - Ordinance No. 3729.

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

- *a. **Z99-87** 538 South Robson. Rezone from R-4 to M-1 (.3 acre). This case involves the development of an industrial facility with outdoor storage. Donald Anthony, owner; George Candal, applicant. **CONTINUED FROM THE DECEMBER 6 COUNCIL MEETING** - Ordinance No. 3730.

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 submitted, except as noted below.
 2. Compliance with all requirements of the Public Works Department (Engineering and Traffic Engineering, etc.).
 3. Dedicate the right-of-way required under the Mesa City Code at the time of application for a building permit, or at the time of the City's request for dedication, whichever comes first.
 4. All street improvements and perimeter landscaping to be installed in the first phase of construction.
 5. Full compliance with all current Code requirements, unless modified through appropriate review and approval of the variance(s) outlined in the staff report.
 6. Provide a paint-finished, textured 8' high block wall around the perimeter of the site.
 7. Provide enhanced landscaping along the street frontages as coordinated with the Design Review staff.
 8. Approval of M-1 zoning as set forth in the supplemental zoning map.
- b. **Z99-98** The northwest corner of Clearview and Hampton Avenues. Rezone from P.E.P. to M-1 with a Council Use Permit (2.4± acres). This case involves the development of a motorcycle sales facility. Victoria Properties, owner; Brian Moore, applicant. **THIS CASE CONTINUED FROM THE DECEMBER 6 CITY COUNCIL MEETING** - Ordinance No. 3735.

P & Z Recommendation: Approval with conditions (Vote: Passed 4-2 - Kathe, Brock voting nay).

1. Compliance with the basic development as described in the project narrative and as shown on the site plan and elevation 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. All street improvements and perimeter landscaping to be installed in the first phase of construction.
5. Compliance with all requirements of the Design Review Board.
6. 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).
7. Exterior display as proposed in this case is only allowed per the site plan approved by City Council for this sports vehicle sales facility. Any requirement by future tenants for outdoor display will be required to return to City Council for approval.

Brian Moore, the applicant, addressed the Council relative to this agenda item and referred to aerial photographs displayed in the Council Chambers. Mr. Moore pinpointed surrounding zoning in the area of the proposed motorcycle sales project. Mr. Moore also discussed efforts that have been expended to develop an extensive landscaping plan and stated the opinion that the proposal meets the intent of the City Code.

Discussion ensued relative to neighbors' concerns regarding noise and the fact that all motorcycle repairs would take place inside a sound-proof building, the fact that Mr. Moore's other motorcycle sales facilities in Phoenix and Scottsdale have not been the recipient of even one noise complaint from neighbors in the surrounding areas, the average salaries of employees and the significant amount of sales tax generated by the businesses.

Councilmember Kavanaugh thanked Mr. Moore for his input and stated that he supports the project.

It was moved by Councilmember Kavanaugh, seconded by Councilmember Jaffa, that Ordinance No. 3735 be adopted.

In response to a question from Councilmember Pomeroy, Community Development Manager Wayne Balmer advised that should the Council not support the request, the applicant has indicated his intention to divide the building space into 10,000 square-foot areas in order to meet the actual zoning requirements for that area.

Councilmember Pomeroy commented that he will support the applicant's request and negate the need to divide the space into smaller areas for the same use.

Councilmember Davidson commended the applicant on his efforts to date regarding this project but added that he supports staff's recommendation that the area remain planned management-based zoning. Councilmember Davidson noted that the City's Economic Development Advisory Board has advised that a zoning mix enhances the City's sales tax base. Councilmember Davidson added that he supports the project itself but not at the proposed location.

Vice Mayor Giles stated that although he can relate to Councilmember Davidson's concerns, in his opinion an outdoor display of motorcycles will not discourage future office development in the area.

Councilmember Jaffa noted that this parcel is one of the last remaining in-fill pieces in the City and said that the remainder of the area has already been developed and a substantial amount of retail is located to the west of the site. Councilmember Jaffa expressed the opinion that the proposal is compatible with the surrounding area and said that the building's design would accommodate office uses in the future should the motorcycle business decide to relocate to another site.

Upon tabulation of votes, it showed:

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

Mayor Brown declared the motion carried by majority vote of those voting and Ordinance No. 3735 adopted.

- c. **Z99- 99** The 4000 and 4100 block of East McDowell Road (north side). Establishment of a PAD overlay (110 ac). This case involves the application of development standards for "The Commons". Various, owner; City of Mesa: Community Development Department, Planning Division, applicants. **CONTINUED TO THE FEBRUARY 22, 2000 REGULAR COUNCIL MEETING.**

P& Z Recommendations: Approval with conditions (Vote: Passed 5-1-1, Kathe Nay, Brock abstaining).

1. The City of Mesa, in partnership with the lot owners of undeveloped lots in the Commons that abut the RWCD Canal, shall erect a wall along the entire western property line of the Commons Industrial Park at Falconview. The City of Mesa shall build the wall immediately and entirely at once, not in phases concurrent with individual lot development. The finished height of the wall shall be no less than 6' above the elevation of the eastern Canal bank road.

This wall shall have architectural treatments to ensure compatibility with adjacent residential properties. The City of Mesa shall reach an agreement with the adjacent residential property owners as to the extent of these treatments. The City of Mesa shall maintain responsibility for the permanent maintenance of said wall.

The lot owners of undeveloped lots at the Commons that abut the RWCD Canal shall grant the City of Mesa any necessary easements or permission for building said wall, and they shall reimburse the City of Mesa at the rate of \$20 per lineal foot of wall for the sections of wall that abut, sit on or border their properties, in compliance with the letters of 2 December from the Commons Board.

2. The City of Mesa shall install and maintain a landscaping strip along the western side of the wall described in condition 1. Said landscaping strip shall be no less than 10' in width. The City of Mesa shall maintain at least one row of trees in this tract. The trees shall be at least 24 inch box trees on 15 foot staggered centers. The

selected species of trees shall be one that, at maturity, presents an ample canopy which provides visual screening from the west side of the Canal.

Upon development of, or improvement to their lots, the lot owners of undeveloped lots in the Commons that abut the Canal shall install and maintain a landscaping strip on the east side of the wall described in condition 1. Said landscaping strip shall be no less than 10' in width. The lot owners of undeveloped lots in the Commons that abut the Canal shall maintain at least one row of trees in this tract. The trees shall be at least 24 inch box trees on 15 foot staggered centers, and these trees shall be planted in a manner to stagger them with the trees on the west side of the wall every 7 1/2' on center. The selected species of trees shall be one that, at maturity, presents an ample canopy which provides visual screening from the west side of the Canal.

The City shall withhold at its discretion a certificate of occupancy for any "Canal abutting" lot developed without such trees being in place.

3. The following use and design conditions apply to every parcel at the Commons Industrial Park at Falconview:
 - A. All landscaping trees shall be at least 24" box. Landscaping on already improved lots is not affected.
 - B. All tree species shall be selected from the approved palette or approved by the City of Mesa as compatible with the approved palette.
 - C. All buildings shall have architectural treatments for any sides that are visually prominent from a street in the Commons Industrial Park. All buildings will require a letter of approval from the Commons Architectural Review Committee as part of an application for a building permit from the City of Mesa. Existing buildings are exempt from this requirement, unless and until the lot accommodating such a building undergoes improvements (such as, but not limited to, development, redevelopment, additions, remodeling) and/or changes in use at which time all buildings on said lot must conform to this condition.
 - D. All outdoor storage areas, planned expansion areas or similar areas must be paved in accordance with section 16-2(E)1 of the City of Mesa's Zoning Ordinance. Alternative surfaces not described in section 16-2(E)1 may be approved by the City of Mesa for storage areas, provided that said storage areas are not used regularly and provided that use of said storage areas does not emit dust in excess of Condition 4D. Outdoor storage areas, planned expansion areas or similar expansion areas may be landscaped in a manner that prevents vehicular access as an alternative to paving.
 - E. All exterior/outdoor storage areas and service yards, all loading docks and ramps, all electrical cage enclosures, storage tanks or other mechanical equipment are to be screened from view from access streets, freeways, and adjacent properties by a masonry fence, wall or such other screening as is approved by the Commons Industrial Park at Falconview Owners

Association and by the City of Mesa. Said screening shall form a complete opaque screen up to 8 feet in height.

- F. No products, stored merchandise or racks (excluding vehicles) that are visually prominent from the RWCD Canal or from any street in the Commons shall extend above the fence height.
 - G. All company owned and operated motor vehicles and equipment, with the exception of passenger vehicles, shall be stored in a screened outdoor storage area approved by the City of Mesa.
4. The following nuisance restrictions apply to every parcel in the Commons Industrial Park at Falconview:
- A. No rubbish or debris of any kind shall be placed or permitted to accumulate upon or adjacent to any lot, and no odors shall be permitted to arise therefrom so as to render any lot or portion thereof unsanitary, unsightly, offensive or detrimental to any property in the vicinity thereof or to the occupants thereof after the initial occupancy or during the initial construction or operation of the Improvements.
 - B. No use, activity or purpose shall be conducted in the Industrial Park that generates vibrations which are perceptible on the residential property adjacent to the Commons. Vibrations from temporary construction on, or improvement of, lots are excluded.
 - C. No use, activity or purpose may be detrimental because of latent explosion danger or danger from radiation, and no use may endanger surrounding neighborhoods.
 - D. No use, activity or purpose may emit smoke, soot, dust, fumes, gasses, or odorous, noxious or toxic matter into the air, beyond the industrial premises wherein such use is located, that endangers the comfort, repose or health of residents in the properties adjacent to, or in proximity of, the Commons Industrial Park at Falconview.
 - E. No use, activity or purpose may emit noise levels, including single event noises, that register above 60 decibels at the western property line of the RWCD Canal.
 - F. During the review process for applications to the Planning and Zoning Division or the review process for plans submitted to the Building Inspections Division, the City of Mesa may require a sound study from businesses in the Industrial Park. The City of Mesa shall provide reasonable notice of this request to applicants. Such a sound study shall demonstrate that the noise level emanating from that business meets the noise criteria listed in outlined in this case.
 - G. No use, activity or purpose shall be conducted which produces electromagnetic or electromechanical interference with normal radio or television reception from off the premises where the activity is conducted.

5. The following use and design conditions apply to every parcel at the Commons Industrial Park at Falconview that abuts the RWCD Canal or has frontage on McDowell Road:
 - A. All improvements (such as, but not limited to, development, redevelopment, additions, remodeling) and changes in use require approval from the City of Mesa before any improvements, construction or changes begin.
 - B. Colors, materials and finishes are to be coordinated on all exterior elevations of the buildings to achieve continuity of design.
 - C. No part of the roof may project above the parapet, except where such slope is an integral aspect of the building design in the opinion of the City of Mesa.
 - D. Vents, louvers, flashings, tanks, stacks, overhead doors or other similar items are to be painted consistent with the color of scheme of the building.
 - E. Street side yard setbacks shall be the same as required for front yards.
 - F. All identification ground signs shall not exceed (5) feet above grade in vertical height, nor shall such ground signs be erected in the first ten (10) feet as measured from the property line of any street side setback areas.
 - G. Said signs shall be fixture signs; signs painted directly on the surface of the wall shall not be permitted. No sign shall extend above the roof or parapet wall. In the instance of a multiple tenancy building, each individual tenant may have a wall sign near the entrance to identify the tenant. Said sign shall be designed to concept established by the Commons Industrial Park at Falconview Owners Association and by the City of Mesa.
 - H. All buildings shall have four-sided architectural treatments.
 - I. No products, stored merchandise or racks, excluding vehicles, shall extend above the fence height.
 - J. The City of Mesa and the Commons Architectural Control Committee shall review building and lot setbacks in a manner so as to maximize the buffering afforded to the residential development adjacent to the RWCD Canal.

6. The following uses are prohibited at any parcel at the Commons Industrial Park at Falconview that abuts the RWCD Canal or has frontage on McDowell Road:
 - A. Maintenance or storage of vehicles in the business of transferring, storing, reducing, or handling garbage or other waste as a primary business. Current uses engaged in said business would be permitted as long as they meet all other conditions of the zoning case Z99-99. *[The City of Mesa may approve uses that maintain or store vehicles which engage in transferring, storing,*

reducing or handling non-domestic waste as a use ancillary to their primary business.]

- B. Crematories.
 - C. Outdoor maintenance of vehicles from 10:00 PM of one day to 6:00 AM of the following day. *[Maintenance that does not exceed the noise condition of this case is allowed in a fully enclosed building.]*
 - D. Uses similar to those listed above, as determined by the Zoning Administrator.
- 7. Compliance with letter, dated 1 December 1999, from Commons Board stating their intention to remove chips and debris.
 - 8. Compliance with letter, dated 1 December 1999, from Commons Board stating their intention to enforce the 1998 CC & R's.
 - 9. During the review process for applications to the Planning and Zoning Division or the review process for plans submitted to the Building Inspections Division, each applicant, on any lot at the Commons, shall demonstrate, to the satisfaction of the Building Inspections Division, that all requirements of this zoning case shall be met.
 - 10. The City of Mesa shall record these conditions as a means for notifying future and potential Commons lot owners.

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.

Mayor Brown informed the audience that he has requested that the Council continue this item based on the fact that three residents who live within 150 feet of the proposed project have filed a legal protest. Mayor Brown explained that cases where such protests have been filed require six out of seven votes to approve or deny and said that based on Councilmember Jaffa's conflict and Councilmember Hawker's excused absence, the Council is unable to vote on the case at this time.

Mayor Brown also stressed the importance of this case and commented that staff is in the process of negotiating with two of the businesses located at The Commons. Mayor Brown stated the opinion that every effort will be expended to address, to the extent possible, the concerns of both the residents and the business owners by the February 22, 2000 Regular Council Meeting.

Councilmember Kavanaugh concurred with Mayor Brown's remarks and said that an important case such as this should be voted upon when the full Council is in attendance.

It was moved by Councilmember Kavanaugh, seconded by Councilmember Pomeroy, that this matter be continued to the February 22, 2000 Regular Council Meeting.

Upon tabulation of votes, it showed:

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

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

Mayor Brown apologized to those members of the audience who had planned to present remarks regarding this case and commented that he would allow a number of the speakers to present brief remarks at this time.

The following speakers (in order of appearance) spoke in opposition to the approval of the case and stated the opinion that the mix of industrial and residential is negatively impacting property values and the quality of life for residents in the area, indicated their willingness to postpone judgement pending the outcome of staff's negotiations and future recommendations, expressed concerns regarding noise, odors and environmental hazards, recommended that the Council expend effort to relocate the offending businesses and prohibit noise between the hours of 8 p.m. and 8 a.m., requested that the Council add an additional stipulation requiring the "hooding" of exterior lighting in an attempt to mitigate the excessive glare, asked that the landscaping consist of mature trees which are prone to rapid, expansive growth, requested that the construction of the wall be subject to a specific deadline date, indicated support for the continuance and further efforts to achieve an acceptable compromise and expressed concerns regarding the legality of the language contained in the easement documents and stipulations:

Helen Williams	3051 North Redrock
Julee Brady	3044 North 38th Circle
Vicky Burkinshaw	3902 East Oasis
Lew Lenz	3717 East Pomegranate Street
Jim Jenkins	3660 East Pomegranate Street
Dan McGhee	3915 East Oasis Circle

The following citizens submitted speaker slips in opposition to the approval of this case but indicated that they would delay their remarks until the February 22, 2000 Regular Council Meeting:

Mark Funk	3763 East Oasis Circle
Michael O'Brien	3852 East Oasis Circle
Bill Rau	3820 East Oasis Circle
David Udall	30 West 1st Street

The following citizen spoke in support of the approval of this case and informed the Council that he was notified last month that he will not be able to construct his business in The Commons as planned, commented on the fact that he has expended two years in an effort to locate his business at this site, expressed concerns regarding the fact that he must now sell the land he purchased in The Commons and stated that the sale may be a difficult task until the Council renders a final decision on this case, and requested that the Council expend effort to reach a timely decision on this matter.

The following citizen submitted a speaker slip in support of the approval of this case but indicated that he would delay his remarks until the February 20, 2000 Regular Council Meeting:

Ralph Pew

10 West Main Street

Mayor Brown thanked the speakers for their input and encouraged the members of the audience to attend the February 22, 2000 Regular Council Meeting and provide input at that time.

Discussion ensued relative to staff direction and the fact that citizens may forward suggestions to Mr. Balmer for consideration relative to this case.

Mayor Brown reiterated his appreciation to everyone involved in this case for their patience and spirit of cooperation.

- *d. **Z99-103** The 2200 block of South Country Club Drive. Rezone from M-1 to M-1-PAD (8± acres). This case involves the development of an office complex. Lyons Real Estate and Development, owner; MAL, LLC, applicant. **THIS CASE CONTINUED FROM THE DECEMBER 6 CITY COUNCIL MEETING. CONTINUED TO THE FEBRUARY 7, 2000 REGULAR 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, preliminary plat and elevations submitted, except as noted below.
 2. Compliance with all City development code and regulations.
 3. Compliance with all requirements of the Public Works Department (Engineering and Traffic Engineering, etc.).
 4. Dedicate the right-of-way required under the Mesa City Code at the time of recordation of the subdivision plat, or at the time of the City's request for dedication, whichever comes first.
 5. Compliance with all requirements of the Subdivision Technical Review Committee.
 6. Compliance with all requirements of the Design Review Board.
- e. **Z99-108** South and west of the southwest corner of Southern Avenue and Ellsworth Road (22± acres). Rezone from AG to R-2-PAD. This case involves the development of a patio home subdivision. Great Western Homes, owner; W. Ralph Pew, P.C.; applicant, represented by: Sean Lake - Ordinance No. 3736.

P& Z Recommendations: Approval with conditions (Vote: Passed 7-0).

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

6. Compliance with all requirements of the Subdivision Technical Review Committee.
7. Written notice be provided to future residents, and acknowledgment received that the project is adjacent to a future retail site.
8. Deceleration lanes be designed at both entries to the project.
9. 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).
10. Written notice be provided to future residents, and acknowledgement received that the project is within 5 miles of Williams Gateway Airport.
11. Noise attenuation measures be incorporated into the design and construction of the homes to achieve a noise level reduction of 25 db.

Councilmember Jaffa advised that he had requested that this item be removed from the Consent Agenda to allow time for him to meet with staff to address specific issues. Councilmember Jaffa said that all of his concerns have been addressed.

In response to a question from Councilmember Jaffa, Community Development Manager Wayne Balmer commented that staff supports the project as proposed.

Councilmember Jaffa said that although he would prefer additional "connectivity" throughout the project, he will vote in support of this case.

Councilmember Davidson encouraged the applicant and future applicants/builders/designers to extend greater effort and creativity to design diverse floor plans which allow the living spaces, rather than bedrooms, to face onto the street. Councilmember Davidson commented on the positive impacts of front porches and neighborhood settings and urged the development community to address this issue.

It was moved by Councilmember Pomeroy, seconded by Vice Mayor Giles, that Ordinance No. 3736 be adopted.

Upon tabulation of votes, it showed:

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

Mayor Brown declared the motion carried unanimously by those present and Ordinance No. 3736 adopted.

- f. **Z99-109** The southwest corner of McDowell and 90th Street. Rezone from County R1-35-RUPD to City R1-35-PAD (115± acres). This case involves the establishment of City zoning on recently annexed property. Rielly Homes ("Madrid"), owner; City of Mesa, applicant - Ordinance No. 3737.

P& Z Recommendations: Approval with conditions (Vote: Passed 7-0).

1. Compliance with stipulations established by the County Board of Supervisors.

2. Compliance with the Mesa Residential Development Guidelines where applicable.
3. Compliance with all City development codes and regulations.
4. Compliance with all requirements of the Public Works Department (Engineering and Traffic Engineering etc.)
5. Dedicate the right-of-way required under the Mesa City Code at the time of application for a building permit, at the time of recordation of the subdivision plat, or at the time of the City's request for dedication, whichever comes first.
6. Compliance with all requirements of the Subdivision Technical Review Committee.

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.

Ralph Pew, 10 West Main Street, an attorney representing the applicant, indicated his willingness to answer any questions from the audience and/or members of the Council regarding this case.

Carol Owens, P.O. Box 1017, Apache Junction, spoke in support of protecting the desert uplands areas.

In response to a question from Vice Mayor Giles, Community Development Manager Wayne Balmer advised that the City of Mesa annexed this parcel of property some time ago, after it had already gone through the County zoning process. Mr. Balmer said that State law requires the City to grant the parcel zoning that is comparable to what was approved by the County. Mr. Balmer stated that although there are a number of lots smaller than 35,000 square feet, in accordance with State law, the zoning is appropriate.

It was moved by Councilmember Pomeroy, seconded by Vice Mayor Giles, that Ordinance No. 3737 be adopted.

Upon tabulation of votes, it showed:

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

Mayor Brown declared the motion carried unanimously by those voting and present and Ordinance No. 3737 adopted.

*g. **Z99-110** The northwest and southwest corners of Broadway and 90th Street. Rezone from County R1-43, R1-6-RUPD, R-3-RUPD and R-5 to City R1-43, R1-6-PAD and R-2-PAD (76± acres). This case involves establishment of City zoning districts on recently annexed land. Various, owners; City of Mesa, applicant - Ordinance No. 3731.

P& Z Recommendations: Approval with conditions (Vote: Passed 7-0).

1. Compliance with stipulations established by the County Board of Supervisors for the Broadway Manor and Mesa Vista subdivisions.
2. Compliance with the Mesa Residential Development Guidelines where applicable;
3. Compliance with all City development codes and regulations.

4. Compliance with all requirements of the Public Works Department (Engineering and Traffic Engineering etc.)
5. Dedicate the right-of-way required under the Mesa City Code at the time of application for a building permit, at the time of recordation of the subdivision plat, or at the time of the City's request for dedication whichever comes first.
6. Compliance with all requirements of the Subdivision Technical Review Committee.

- *h. **Z99-111** 924 North Country Club Drive. Rezone from R-4 to C-2 (4± acres). This case would change a non-conforming zoning designation for the Marc Center to that which is appropriate and also allow for a three story building. City of Mesa, owner; Randall L. Gray, applicant - Ordinance No. 3732.

P& Z Recommendations: Approval with conditions (Vote: Passed 7-0).

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

- *i. **Z99-113** South of the southeast corner of Greenfield Road and U.S. 60. Site Plan Review (2± acres). This case involves the development of a QuikTrip gas station. Langley Superstition Triangle Limited Partnership, owner; Steven Bauer, applicant - Ordinance No. 3733.

P& Z Recommendations: Approval with conditions (Vote: Passed 6-0-1 (Brock abstaining)).

1. Compliance with the basic development as described in the project narrative and as shown on the site plan, preliminary 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, Traffic Engineering, Solid Waste, 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. Recordation of cross-access and reciprocal parking easements.
6. Compliance with all requirements of the Design Review Board.
7. Review and approval of a special Use Permit by the Board of Adjustment for gas pumps.
8. Provide an additional landscape island within the parking area adjacent to Greenfield Road.
9. Provide foundation landscaping on the east and west sides of the building.

- *j. **Z99-115** 1830 South Alma School Road. Rezone from R1-6 to C-1-PAD (4.5 acres). This case involves the development of an office complex. Robert A. Jensen, owner/applicant - Ordinance No. 3734.

P& Z Recommendations: Approval with conditions (Vote: Passed 7-0)

1. Compliance with the basic development as described in the project narrative and as shown on the site plan, 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 at the time of recordation of the subdivision plat, or at the time of the City's request for dedication whichever comes first.
5. Compliance with all requirements of the Design Review Board.
6. Provide enhanced landscaping along the west property line, to be reviewed by the Design Review Board.

11. Consider the following subdivision plats:

- *a. "SUMMIT SHADOWS" – The 2000 block of East McKellips Road (north side) 60 R1-9 PAD single residence lots (22.08 acres) Stonebridge Capital Properties, L.L.C., developer; Sage Engineering Corporation, engineer.
- *b. "MESA AIRPARK" – The 8900-9200 blocks of East Ray Road (south side) 33 M-1 industrial lots (91.30 acres) Mesa Airpark, L.L.C., developer; Kightly Engineering, engineer.
- *c. "HERMOSA GROVES (SOUTH)" – The 3400-3600 blocks of East McKellips Road (north side) 43 R1-35 PAD single residence lots (40.31 acres) Stonebridge Capital Properties, L.L.C., developer; Sage Engineering Corporation, engineer.
- *d. "HEATHERWOOD VILLAGE" – The 6600-6700 blocks of East Brown Road (south side) 93 R2 PAD townhome lots (13.7 acres) Cavalier Heatherwood Village, L.L.C., developer; Martin, Peltyn & Gordon, Inc., engineer.

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

Kirby Allan, 2043 East Hackamore, reiterated a presentation he gave at the previous Regular Council Meeting relative to the City's water supply. Mr. Allan stated the opinion that previous tests performed by him clearly indicated that the City's water is contaminated and said that contamination levels at that time reached 1400. Mr. Allan questioned why recent tests revealed a contamination level of 670.

Mayor Brown thanked Mr. Allan for his input.

13. Adjournment.

Without objection, the Regular Council Meeting adjourned at 7:36 p.m.

WAYNE BROWN, MAYOR

ATTEST:

BARBARA JONES, CITY CLERK

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the Regular Council Meeting of the City Council of Mesa, Arizona, held on the 3rd day of January 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

STATE OF THE CITY ADDRESS
BY MAYOR WAYNE BROWN, JANUARY 3, 2000

Since this is my last opportunity as mayor to deliver the annual State of the City address, I warn you that I might be a little emotional. So bear with me.

Our wonderful city has just ended a century-long chapter filled with a rich history, significant advancement, and great people. As the 46th largest city in the United States, and the third largest city in Arizona, the City of Mesa experienced unprecedented growth and expansion over the century. With an eye on our heritage, my address this evening pays tribute to the quality services provided by our city's mayors, councilmembers, employees and citizens throughout the 1900s. I hope you enjoy our brief journey.

I'm proud to present our

1. Cover

1999 Annual Report, entitled *Closing the Century*.

It celebrates the accomplishments not only of the past year,

but also

(2. turn of century)

the past century. It marks where we are

(3. Mesa City Plaza)

today contrasted with the Mesa of yesteryear. It is a lesson of change and advancement.

Let's take a quick look back at our history and contrast that with the Mesa of today.

(4. Main St. 1910)

In 1900, Mesa had 722 residents living within one square mile. Being a councilmember back then was quite a responsibility. A story was circulated by a resident that each councilmember drew \$5,000 annually.

Mayor J.G. Peterson

(5. Mayor Peterson)

responded with the following notice: Quote: councilmembers do not draw \$5,000 a year. All they draw is a sigh of relief when their term expires.

Today, 395,000 people, who live within our 123 square miles, call Mesa home. Just like the previous mayors and councils, this mayor and council are extremely active in determining what is in the best interest of our city. Even though we may draw a sigh of relief when an issue is resolved, we are still committed to making good public policy. We're also reaching out more to our community, as shown by the live broadcasts of these meetings on Channel 11, and, for the first time, our budget hearings and some citizen committee meetings.

(6. Aerial)

Back in 1904,
the Mezona Auditorium in downtown played host to thousands of
community dances and social events until it was demolished in
1972.

(7. Mezona)

Today, the Mesa
Arts and Entertainment Center is turning into a reality, as shown
by this rendering. The \$89 million facility will include three
theaters, new visual arts space and outdoor performance areas.

(8. A&E drawing)

Back in 1910, the Mesa library was moved from the
basement of a downtown meat market into new office quarters.

Today,
Mesa's downtown has a revitalized Main Street, which is more
attractive and pedestrian friendly. Our town center has a new
vitality that has captured the attention of many residents,
businesses and visitors. Here's an example of the type of
comments we're getting: One of our citizens wrote this to me:
"Today is the first time I've actually walked in the downtown area
for almost 30 years. The bronze statues are wonderful. It is worth
walking around to see."

(9. Main St. streetscape)

In 1925, the Rendezvous Center was built as the City's first public recreation facility. Last April, the Red Mountain Multigenerational Center opened and now serves nearly 11,000 customers a month. A 30-foot climbing wall is one of the many features at this family center.

(10. RMC exterior)

(11. RMC wall)

Moving into the 1940s, the first Royal Air Force fighter pilot trainees arrived from Britain as operations began at Falcon Field Airport. Williams Air Force Base was also built during the forties.

(12. FF oldie)

(13. WAFB)

Today, Falcon Field is one of the ten largest airports in the U.S. in terms of based aircraft, and Williams Gateway has evolved into a premiere aviation-related airport, and it's getting ready to provide for passenger service in the near future.

(14. FF current)

(15. WGA current)

In 1942 future police chief Ramon Mendoza began his law enforcement career with the Police Department, which had only six officers and one patrol car.

(16. Ramon in car)

Today, we are proud to have
Jan Strauss as our police chief. Chief Strauss has completed her
first year as the first female police chief in our city's 120-year
history. And the department continues its active involvement in
neighborhoods - working to prevent crime, helping neighbors help
each other, and thoroughly investigating all crimes in our city.

(17. Chief Strauss)

Check this out:

(18. Switchboard operators)

Here are Mesa switchboard operators in 1948. I can remember
my mother trying to call someone back then and saying to one of
the operators, "Cora, is that you?"

Today,
our state-of-the-art computerized operations are efficient and
responsive. As an example, operators in our Public Safety
Communications Center received more than a million calls for fire
and police service.

(19. Public safety dispatch)

By 1950, our population was 17,000 and the city
encompassed six-and-a-half square miles. Major league baseball
clubs met
each spring at Hohokam Park.

(20. Rendezvous)

Now,
we've just celebrated another record-breaking spring training season with the Chicago Cubs at HoHoKam Stadium, featuring the 1998 National League Most Valuable Player Sammy Sosa.

(21. Hohokam)

Back in the mid-fifties,
Mayor George Goodman, who served four terms as mayor, found himself negotiating with a few cowgirls from the Arizona State Fair.

(22. Mayor Goodman)

Today,
the Mayor and Council work diligently on maybe a little more serious issues than Mayor Goodman faced. Even though I haven't been tied up like Mayor Goodman, I think we've all felt the knots in our stomachs as we agonize over decisions.

(23. Mayor)

Take a look at this photo of
Kino Pool, one of Mesa's earliest pools built around 1960.

(24. Old Kino Pool)

Now, take a look
at these smiling faces at the Stapley Aquatics Complex which opened in 1999. We also made significant progress in planning the Indoor Aquatic Center, which is envisioned as a world-class competitive and recreational facility.

(25. Faces at pool)

In 1965, the Fire Department had four stations and responded to 80 calls a month. Today, under the leadership of Chief Dennis Compton, the Fire Department entered into a new era of community involvement. For example, a new program called "Risk Watch" teaches students about preventing fires and injuries.

Fire and paramedic services are now provided through 15 fire stations usually within a three-minute response.

(26. Fire)

In 1976 the City began a newspaper recycling center at University Drive and Center Street. In its first month, the operation collected more than 200,000 pounds of newspapers. Last year, more than 76 million pounds of recyclables were collected under our award-winning recycling program.

You can also see the difference automation makes:
here's a photo of how collection was done in the early days.

(27. Old trash)

(28. New trash)

And here we are today.

In the late seventies,

(29. All America City)

Mesa won the "All America City" award
and Charles Luster was appointed City Manager.

(30. CKL photo)

Today, our city continues to rack up awards - from our efforts at Williams Gateway Airport to involving citizens in the determining the boundaries of our council district system. Mesa is an award winning city! And as Mr. Luster nears the end of his unprecedented 42-year career, we thank him for his commitment to our city.

By 1980, our city was up to 152,000 residents and 66 square miles. The workforce was shifting almost completely away from agricultural to manufacturing or service occupations. This was a decade of progress. Today, Mesa's economic development efforts are providing real results, thanks in part to stepping up how we market our city as an excellent business location. Our city understands business, and we know how to work with corporations -- in recruiting new industries and helping existing businesses to expand.

This brings us to the last decade: the 1990s, when our focus was a blend of preserving our history and turning our visions into reality.

In the nineties, (31. Historic Neighborhood)
the first historic neighborhood was designated.

The Neighborhood and Community Assistance Office was created and serves as an excellent resource for Mesa residents to improve their neighborhoods. And our community events just kept getting better and better.

The City's website (32. Website)
debuted in 1997 and received 2 million visitors to the site. Two years later, the number of hits jumped to 7 million, and we're working on more plans to expand City services through the Internet.

In 1999, we broke ground to expand the central police facilities, we adopted an Ethics code for elected officials and advisory board members, and (33. Buses)
we improved transit service by adding new bus routes and expanding service.

We started a new voluntary donation program for Mesa residents to help their neighbors. It's called ABC - A Better Community, in partnership with the Arizona Republic. Utility customers now donate an average of \$18,000 each month to human service agencies.

(34. ABC)

As I said, these are only a few accomplishments of 1999. My thanks to these six councilmembers, one city manager, one assistant city manager, ten City department managers, 3,500 City employees, and 395,000 citizens. All of you add up to making one terrific city of Mesa.

Our community has come a long way from the one-square-mile town in 1900. We've concluded the century with major advancement in technology, development and the economy, but most importantly, we've provided service. Throughout the century, Mesa truly was served by "great people" who delivered quality service.