

COUNCIL MINUTES

December 16, 1996

The City Council of the City of Mesa met in a Regular Council Meeting in the Council Chambers, 57 East 1st Street, on December 16, 1996 at 5:45p.m.

COUNCIL PRESENT

Mayor Wayne Brown
Pat Gilbert
John Giles
Dennis Kavanaugh
Joan Payne
Wayne Pomeroy
Jim Stapley

COUNCIL ABSENT

None

POLICE OFFICER
PRESENT

Roy Dunkelbarger

OFFICERS PRESENT

C.K. Luster
Neal Beets
Barbara Jones

The Invocation was given by Rabbi Bonnie Koppell, Temple Beth Shalom.

The Pledge of Allegiance was led by Robbie Wolf, Troop 590.

1. Approval of minutes of previous meetings as written.

It was moved by Councilmember Stapley, seconded by Councilmember Pomeroy, that the minutes of November 27, December 2, December 5, and December 6, 1996 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 Councilmember Stapley, seconded by Vice Mayor Gilbert, that the consent agenda items be approved.

Carried unanimously.

3. Consider the following liquor license applications.

*a. KIM K. KWIATKOWSKI, AGENT

New Beer and Wine Store License for Circle K, 417 South Dobson Road. This is an existing business; no previous liquor licenses at this location.

*b. MATTHEW JAMES MCMAHON, AGENT

New Restaurant License for Outback Steakhouse, 1650 South Clearview. This is a new business; no previous liquor license at this location.

*c. HAROLD D. BURR JR., MEMBER

Special Event License application of Harold D. Burr, Jr., Member, for Mesa Jaycees, a one-day civic event to be held on Tuesday, December 31, 1996, from 6:00 p.m. to 1:00 a.m. at 640 North Center Street, Mesa Jaycees.

4. Consider the following contracts.

*a. Annual supply contract for liquid chlorine and liquid caustic soda for warehouse inventory to be used to treat water at the City's public swimming pools.

The Purchasing Division recommends accepting the low bids as follows:

Items 1 and 2 to Thatcher Company of Arizona at \$34,565.00 plus 5.75% sales tax of \$1,987.48 for a total of \$36,552.48; and

Item 3 to Hill Brothers Chemical Company at \$18,904.00 plus 7.05% sales tax of \$1,332.73 for a total of \$20,236.73.

The combined award is then \$56,789.21 based on estimated requirements.

*b. High-density moveable shelving as requested by the Police Department. This shelving will be installed in the newly expanded Evidence Facility at the main police station. It is used to store impounded evidence.

The Purchasing Division endorses the evaluation team's recommendation to accept the proposal by TAB Products of Arizona at \$71,946.78.

*c. Deleted.

*d. 62 sedans for various City departments: 30 of these are patrol sedans - 29 for Police and 1 for the Fire Department; 32 vehicles are administrative sedans - 21 for Police and 11 for other City departments.

The Purchasing Division recommends authorizing purchase from two State of Arizona contracts with Berge Ford for a total of \$1,155,701.72 including applicable taxes and extended warranties for the administrative sedans.

5. Consider the following resolutions.

- *a. Determining that portions of East McKellips Road and North Gilbert Road should be improved before the development of adjacent property; ordering portions of the north and south side of McKellips Road and the east and west side of Gilbert Road to be improved before the development of adjacent property; ordering a portion of the expenses to be assessed against the adjacent property; providing and approving the manner of assessing the property; and providing the manner of collecting the unpaid assessments at the time of development - Resolution No. 6973.

This resolution will approve the use of the scalloped street laws to assess the adjacent vacant/undeveloped parcels along East McKellips Road between Country Club Drive and Gilbert Road for a portion of the cost of the street improvements that the City will be installing.

- *b. Vacating 13th Street right-of-way from Country Club Drive east approximately 600 feet - Resolution No. 6974.

Street paving has been removed and right-of-way is no longer needed.

- *c. Vacating alley right-of-way north of 9th Street between Center Street and Grand - Resolution No. 6975.

Right-of-way is encumbered with private improvements and is no longer needed.

- *d. Vacating a portion of public roadway for Farnsworth Boulevard between Southern Avenue and Broadway Road - Resolution No. 6976.

Farnsworth Boulevard is being realigned as part of a new subdivision.

- *e. Extinguishing an easement for public utilities that lie west of Signal Butte and north of Southern Avenue - Resolution No. 6977.

The easement is being realigned and a new easement will be dedicated.

- *f. Adopting the joint resolution and community-wide neighborhood policies which provide guidelines for the City of Mesa and four other major entities to ongoing efforts to support and improve Mesa's neighborhoods - Resolution No. 6978.

This resolution adopts as a guideline a joint resolution and community-wide neighborhood policies proclaiming commitment by the City of Mesa, the Mesa United Way, Mesa Community College, the Mesa Chamber of Commerce, and the Mesa Unified

School District to neighborhood-supporting, neighborhood-sustaining activities, in partnership with the citizens of Mesa.

- *g. Approving and authorizing the Utilities Manager to issue a permit pursuant to Title 4, Chapter 12 of the Mesa City Code to McDonnell Douglas Realty Company for use of non potable water for landscape watering purposes at the Longbow Golf Course, Mesa - Resolution No. 6979.
- *h. Approving and authorizing the City Manager to execute an intergovernmental agreement among the cities of Mesa, Chandler, Glendale, and Scottsdale for joint legal representation in the Gila River General Stream Adjudication - Resolution No. 6980.
- *i. Authorizing the City Manager to enter into a lease-purchase agreement with Banc One Leasing Corporation for the computer-aided dispatch system for the Police and Fire Public Safety Departments - Resolution No. 6981.

6. Consider the following ordinances.

- *a. Pertaining to City holidays; amending Section 420 of the Mesa Personnel Rules to conform to Proposition No. 408 as approved at the November 5, 1996 Special Election - Ordinance No. 3274.
- *b. Increasing the speed limit from 30 mph to 35 mph on 80th Street from University Drive to Brown Road; establishing a 30 mph speed limit on Holmes Avenue from Greenfield Road to 48th Street and on Hampton Avenue from 48th Street to Higley Road; prohibiting parking on the north side of 6th Avenue from Toltec to a point 120 feet west of Toltec and south of Emelita Avenue from the east face of curb of Sycamore to a point 490 feet west of the east face of curb of Sycamore, all as recommended by the Traffic Safety Committee - Ordinance No. 3275.

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

- *a. **Code Amendment:** Amending Sections 11-1-6, 11-13-2, and 11-18-8 regarding exceptions to height limits, the definition of building height and embellishment, and the authority and duties of the Design Review Board - Ordinance No. 3276.

P&Z Recommendation: Approval (vote 7-0).

- *b. **Z96-58** The 9600 and 9700 blocks of East Baseline Road (north side). Rezone from R1-43 to R1-9 and R1-6 (52± acres). This case involves the development of a 175-lot conventional subdivision. Mesa 50 LC, owner; Beazer Homes, applicant – Ordinance No. 3277.

P&Z Recommendation: Approval with conditions (vote 7-0).

1. Compliance with the basic development as described in the project narrative and as shown on the preliminary plat, site plan, and elevations submitted, except as noted below;
 2. Compliance with all City development codes and regulations;
 3. Compliance with all requirements of the Public Works Department (Engineering and Traffic Engineering, etc.);
 4. Dedication of 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. All street improvements and perimeter landscaping to be installed in the first phase of construction;
 7. Compliance with residential diversity stipulations as agreed to by the applicant: no two similar elevations to be adjacent to each other and a variety of colors (roofing and exterior) to be provided; and
 8. Provide common landscaping as described by the applicant along the 96th Street frontages.
- c. **Z96-64** The southwest corner of Brown Road and Greenfield Road. Rezone from AG to R1-15 (17± acres). This involves a proposed 28-lot single-residence subdivision. US Development, owner; Ralph Pew, applicant. **THIS CASE WAS CONTINUED FROM THE NOVEMBER 18 AND DECEMBER 2, 1996 CITY COUNCIL MEETINGS. A 3/4 VOTE IS REQUIRED TO APPROVE THE APPLICANT'S REQUEST.**

P&Z Recommendation: Approval with conditions (vote 5-2).

1. Compliance with the basic development as shown on the preliminary plat submitted, including deletion of Lot #19, 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. Dedication of the right-of-way required under the Mesa City Code at the time of application for a building permit, at the time of recordation of the subdivision plat, or at the time of the City's request for dedication, whichever comes first;
5. All street improvements and perimeter landscaping to be installed in the first phase of construction;
6. Compliance with all requirements of the Subdivision Technical Review Committee;
7. Compliance with letter dated October 17, 1996 from Ralph Pew;
8. 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;
9. Notice be provided to future residents that the project is within two miles of Falcon Field Airport; and
10. Noise-attenuation measures be incorporated into the design and construction of the homes to achieve a noise level reduction to 65 Ldn.

Councilmember Pomeroy 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, 40 North Center, representing the applicant, provided background information concerning the case and spoke regarding lot sizes and the maintenance of citrus trees. Mr. Pew indicated that the builder has agreed to a new preliminary map that includes 26 lots having a minimum size of 18,000 square feet, with lots on the northern boundary having 20,000+ square feet. Mr. Pew commented that the lot sizes are comparable to those of the nearby Montecito and Villa Sendero subdivisions. Mr. Pew outlined additional stipulations agreed to by the applicant, including the maintenance of at least four citrus trees in the front of each lot.

David Craine, 4222 East Brown Road, #10, representing homeowners of Villa Sendero, advised that the applicant has met with the homeowners and addressed a number of requests but said that lot sizes and the maintenance of citrus trees continue to be major concerns. Mr. Craine expressed the opinion that the lot sizes represent an inadequate transition and may set the standard for lots to the east and west of the proposed development.

Community Development Manager Wayne Balmer reported that staff has spoken to individuals regarding the development of three parcels west of this location and has informed them of concerns expressed relative to this case. Mr. Balmer said that it is anticipated that parcels to the west would have lot sizes of 20,000 square feet or more. Mr. Balmer informed the Council that there will not be an entrance between the subdivision now under discussion and future subdivisions to the west.

In response to a question from Vice Mayor Gilbert, Mr. Pew stated the opinion that the development will be able to support the proposed (nonactive) amenities.

It was moved by Vice Mayor Gilbert, seconded by Councilmember Stapley, that the zoning change be approved as recommended by the Planning and Zoning Board.

Upon tabulation of votes, it showed:

AYES - Brown-Gilbert-Payne-Stapley
NAYS - Giles-Kavanaugh
ABSENT - None
ABSTAIN - Pomeroy

Due to the 3/4 vote requirement, Mayor Brown declared the motion failed.

*d. **Z96-96** The southwest corner of Power Road and Broadway Road. Establish land use restrictions for C-2 property (6± acres). This case involves two parcels of land which will be developed in conjunction with a cemetery. SCI Arizona Funeral Services, Inc, owner; Lazarus & Associates, applicant - Ordinance No. 3278.

P&Z Recommendation: Approval with conditions (vote 7-0).

1. Review and approval by the Planning and Zoning Board and City Council of future development plans; and
2. Compliance with the applicant's letter dated October 14, 1996 referencing the restricted land uses.

- *e. **Z96-98** The 2500 block of South Signal Butte Road (600'± east of the right-of-way). Rezone from AG to R1-6-DMP (Conceptual R-2) (15± acres). The case involves the expansion of the "Sunland Springs Village DMP." Farnsworth Development, owner; Craig Ahlstrom, applicant - Ordinance No. 3279.

P&Z Recommendation: Approval with conditions (vote 7-0).

1. Compliance with the basic development as shown on the site plan submitted, except as noted below;
2. Review and approval by the Planning and Zoning Board and City Council of future development plans; and
3. Compliance with all requirements of the Public Works Department (Engineering and Traffic Engineering, etc.).

- *f. **Z96-99** East of the southeast corner of Baseline Road and Power Road. Site plan review (1± acre). This case involves development of a financial institution and office space. Washington Federal Savings, owner; Whitneybell Architects, Inc., applicant - Ordinance No. 3280.

P&Z Recommendation: Approval with conditions (vote 7-0).

1. Compliance with the basic development as shown on the site plan and elevations submitted, except as noted below;
2. Compliance with all requirements of the Public Works Department (Engineering and Traffic Engineering, etc.);
3. All street improvements and perimeter landscaping to be installed in the first phase of construction; and
4. Compliance with all requirements of the Design Review Board.

- *g. **Z96-100** The 2900 block of East McKellips Road (north side). Rezone from R-2 to R-2-PAD (10± acres). This case involves development of an 86-lot patio home project. Michael & Cheryl Verrilli, owners; Great Western Homes, applicant – Ordinance No. 3281.

P&Z Recommendation: Approval with conditions (vote 7-0).

1. Compliance with the basic development as shown on the site plan and elevations submitted, except as noted below;
2. Compliance with all requirements of the Public Works Department (Engineering and Traffic Engineering, etc.);
3. Dedication of 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;
4. Compliance with all requirements of the Subdivision Technical Review Committee;

5. 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);
6. Notice be provided to future residents and written acknowledgment be received that the project is within two miles of Falcon Field Airport; and
7. Noise-attenuation measures be incorporated into the design and construction of the homes to achieve a noise level reduction to 40 Ldn.

- *h. **Z96-101** The 7100 block of East McKellips Road (north side). Rezone from R1-35 to R-2-PAD (15± acres). This case involves the development of a 118-lot patio home project. Gerald & Elaine Petersen Trust, owner; The DeHaven Company, applicant. **A 3/4 VOTE IS REQUIRED TO APPROVE THIS REQUEST. THE APPLICANT HAS REQUESTED A CONTINUANCE TO THE JANUARY 21, 1997 COUNCIL MEETING.**

P & Z Recommendation: Denial (vote 4-3).

- *i. **Z96-102** 2560 East Main Street. Rezone from C-2 to C-3 (3 acres). This case involves the development of an RV sales lot. Rennie R. Reeb owner/applicant – Ordinance No. 3282.

P & Z Recommendation: Approval with conditions (vote 7-0).

1. Compliance with the basic development described in the letter dated October 28, 1996 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. Dedication of the right-of-way required under the Mesa City Code at the time of application for a building permit or at the time of the City's request for dedication, whichever comes first;
4. Compliance with all requirements of the Design Review Board; and
5. Removal of all nonconforming signs (billboard) prior to issuance of any building permit.

- *j. **Z96-103** The 2200 and 2300 blocks of East Main Street (north side). Rezone from R1-6 and C-2 to C-3 (10± acres). This case involves the establishment of commercial zoning for retail sales. Guy Isley, owner/applicant - Ordinance No. 3283.

P & Z Recommendation: Approval with conditions (vote 7-0).

1. Compliance with the basic development as described in the letter dated October 22, 1996 and the survey submitted, except as noted below;
2. Compliance with all requirements of the Public Works Department (Engineering and Traffic Engineering, etc.);
3. Dedication of the right-of-way required under the Mesa City Code at the time of application for a building permit or at the time of the City's request for dedication, whichever comes first;
4. Compliance with all requirements of the Design Review Board; and

5. Compliance with all requirements of the Subdivision Regulations regarding lot splits.
- k. **Z96-104** The 100 and 200 blocks of North 22nd Place (east side). Rezone from C-3 and R1-6 to R-2-PAD (14± acres). This case involves the development of a 145-unit single residence subdivision. Sur-Way Concrete Construction, owner; American Development Corporation, applicant - Ordinance No. 3286.

P & Z Recommendation: Approval with conditions (vote 5-2).

1. Compliance with the basic development as described in the project description and as shown on the site plan and elevations submitted, except as noted below;
2. Compliance with all requirements of the Public Works Department (Engineering and Traffic Engineering, etc.);
3. Dedication of 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;
4. Compliance with all requirements of the Subdivision Technical Review Committee;
5. Provide benches in the open spaces as described by the applicant; and
6. Provide at least a 15-foot setback along the south property line.

John Lehee of Danielian Associates stated that the proposed subdivision is an infill project consisting of detached homes arranged in a cluster configuration, with six or seven units per cluster. Mr. Lehee referred to sketches and described the development layout, model floor plans, and amenities. Mr. Lehee noted the Planning and Zoning Board's recommendation for approval and the compatibility of the project with surrounding land uses.

Paul Clark, Real Estate Agent for Fuller & Co., informed the Council that the developer is well informed relative to the development and marketing of cluster homes and has created cluster home neighborhoods in the North Phoenix area. Mr. Clark spoke concerning the security and privacy provided by the cluster home concept.

In response to questions from Vice Mayor Gilbert and Councilmember Giles, Mr. Lehee and Mr. Clark discussed the proposed layout of the subdivision, pricing, elevations, and fencing of rear yards.

Mr. Balmer advised that the project is in conformance with the City's General Plan and is considered medium-density residential.

It was moved by Vice Mayor Gilbert, seconded by Councilmember Pomeroy, that the zoning change be approved as recommended by the Planning and Zoning Board and that Ordinance No. 3286, governing Zoning Case Z96-104, be adopted. Vice Mayor Gilbert encouraged consideration of staff's suggestions for redesign as outlined in material presented to Council in an effort to better address issues of compatibility, accessibility, and privacy.

Upon tabulation of votes, it showed:

AYES - Brown-Gilbert-Payne-Pomeroy-Stapley
NAYS - Giles-Kavanaugh
ABSENT - None

Mayor Brown declared the motion carried by majority vote and Ordinance No. 3286 adopted.

- *1. **Z96-105** The 1600 block of South Superstition Springs Boulevard (east side). Rezone from C-2-DMP to C-2-BIZ-DMP (2± acres). This case involves the development of a six story, 105-room La Quinta Inn. Superstition Springs Investors L.P., owner; David K. Jones P.C., applicant - Ordinance No. 3284.

P & Z Recommendation: Approval with conditions (vote 7-0).

1. Compliance with the basic development as shown on the site plan and elevations submitted, except as noted below;
2. Compliance with all City development codes and regulations;
3. Compliance with all requirements of the Public Works Department (Engineering and Traffic Engineering, etc.);
4. Dedication of 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;
7. Review and approval of a Special Use Permit by the Board of Adjustment for a comprehensive sign plan;
8. Install a deceleration lane at the westbound Superstition Springs Boulevard entrance subject to approval by the City Traffic Engineer;
9. All driveway and perimeter landscaping to be installed in the first phase of development; and
10. Provide a paved secondary vehicular access to the hotel parcel.

- *m. **Z96-106** The northeast corner of Grove and Westwood (3± acres). Rezone from C-2-DMP (Conceptual BIZ) to C-2-BIZ-DMP. This case involves the development of a seven-story, 124-room La Quinta Inn. Sabin Investing, Inc., owner; David K. Jones P.C., applicant - Ordinance No. 3285.

P & Z Recommendation: Approval with conditions (vote 6-1).

1. Compliance with the basic development as shown on the site plan and elevations submitted, except as noted below;
2. Compliance with all City development codes and regulations;
3. Compliance with all requirements of the Public Works Department (Engineering and Traffic Engineering, etc.);
4. Dedication of 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 Design Review Board; and
6. Adherence to the Fiesta Center design guidelines.

8. Consider the following subdivision plats.

- *a. "SONORAN HEIGHTS UNIT 2 AT LAS SENDAS" - The 7300 block of East Saddleback Street (south side); 119 R1-9-PAD-DMP single-residence lots (44.19 acres). Sonoran Desert Holdings, L.L.C., developer; Infinity Engineering Services, Ltd., engineer.
- *b. "NORTH MESA PLAZA SECOND AMENDED" - The 2700 block of East University Drive (north side); 3 C-2 lots (6.59 acres). Pederson/Mesa, L.L.C. and Safeway, Inc., developers; CMX Group, Inc., engineer.

9. Adjournment.

It was moved by Councilmember Stapley, seconded by Councilmember Giles, that the Regular Council Meeting adjourn at 6:29 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 16th day of December, 1996. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 8th day of January 1996

BARBARA JONES, CITY CLERK