

COUNCIL MINUTES

February 7, 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 February 7, 2000 at 5:45 p.m.

COUNCIL PRESENT

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

COUNCIL ABSENT

None

POLICE OFFICER
PRESENT

Marc Therre

OFFICERS PRESENT

C.K. Luster
Neal Beets
Barbara Jones

The Invocation was given by Dr. Larry Kassebaum, Victory Lutheran Church.

The Pledge of Allegiance was led by Stacey Damp.

Presentation of a plaque on the City of Mesa Fiesta Bowl Parade entry by Don Robinson, 2000 Fiesta Bowl Parade Chairman.

Fiesta Bowl Chairman Don Johnson presented a plaque to Mayor Brown on behalf of the City of Mesa in recognition of the City of Mesa's entry into the Fiesta Bowl Parade. Mr. Johnson commented on the originality of the entry and encouraged Mesa residents' attendance at the next Fiesta Bowl.

Mayor Brown thanked Mr. Johnson for the award.

1. Approval of minutes of previous meetings as written.

It was moved by Vice Mayor Giles, seconded by Councilmember Kavanaugh, that the minutes of January 6, 13 and 18, 2000 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. HARPAL S. GREWAL, INDIVIDUAL

New Beer and Wine Store License for 99 Cents Plus Discount, 730 E. Brown Road, #112.
This is an existing building, no previous liquor licenses at this location.

Rodney Dike, an attorney representing the applicant, stated that the application is in conformance with State law and indicated his willingness to respond to questions from the Council.

Councilmember Davidson commented on the fact that a liquor store currently exists in the same strip mall and expressed the opinion that the neighborhood, which contains a number of high density apartment complexes, is an area currently in transition. Councilmember Davidson indicated that although the applicant appears to have met all statutory requirements, he will not vote in support of approval of the license.

In response to a question from Vice Mayor Giles, City Attorney Neal Beets confirmed that historically a concentration of liquor licenses in a particular area has not been judged by the State Liquor Board as a justifiable basis upon which to deny the issuance of a license. Mr. Beets added that a recommendation from the Council for denial based on the fact that other licenses exist in the area would most likely be overturned by the State Liquor Board.

Councilmember Pomeroy stated that in view of the fact that the Pastor from a church in the area has not voiced objections to the issuance of the license, he will vote in support of the applicant's request.

It was moved by Vice Mayor Giles, seconded by Councilmember Kavanaugh, that a New Beer and Wine Store License be issue for the 99 Cents Plus Discount Store.

Upon tabulation of votes, it showed:

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

Mayor Brown declared the motion carried by majority vote.

*b. JOSEPH L. FURNARI, AGENT

New Restaurant License for Jose's Comida, 810 S. Alma School Road, #2. This is an existing building, no previous liquor licenses at this location.

4. Consider the following contracts:

*a. One year supply of training and duty ammunition as requested by the Police Department.

The Purchasing Division recommends accepting the low bid by San Diego Police Equipment Company at \$66,102.83 plus 5.0% sales tax of \$3,305.14 for a total of \$69,407.97.

- *b. One-year renewal of the supply contract for PE2406 gas valves for the Materials & Supply Division warehouse inventory to be used by the Utility Construction Division.

The Purchasing Division recommends exercising the second and final one-year renewal option with the original lowest bidder meeting specification, Kerotest Mfg. Corp., for estimated annual purchases of \$45,000.00 plus 5% use tax of \$2,250.00 for a total of \$47,250.00.

- *c. Landscape maintenance services at the City's parks & retention basins in the area designated as Zone 5 as requested by the Parks, Recreation and Cultural Division. This contract covers an area west of Stapley Road and east of Country Club Drive.

The Purchasing Division recommends accepting the low bid by Bowen's Horticulture Services, Inc. at \$153,925.00 based on estimated requirements.

- *d. Work stations for the Fire Department personnel and safety related employees housed at 40 N. Center Street.

The Purchasing Division recommends authorizing purchase from State of Arizona contract with Goodman's Inc. at \$35,263.70 including materials, design services, delivery, installation and applicable sales tax.

- *e. Work stations for the Utility Construction Division in the new Utilities building.

The Purchasing Division recommends authorizing purchase from State of Arizona contract with Goodman's Inc. at \$88,608.57 including materials, design services, delivery, installation and applicable sales tax.

- *f. Computerized Maintenance Management System Software as requested by the Communications Division.

The Purchasing Division endorses the evaluation team's recommendation to accept the proposal from Datastream Systems Inc. Datastream Systems' proposal received the highest evaluated score and also offers the lowest five-year evaluated total cost of \$113,400.00.

- *g. Software for printing Explanation of Benefits (EOB) statements from the Health Claims Processing System (FACTS) as requested by the Information Services Division (ISD). This software will enable Employee Benefits to print EOB documents in the Employee Benefits office.

The Purchasing Division recommends exercising a purchase option from RFP #97039 for software to support an additional printer from FACTS[®] Services, Inc., for \$12,000.00, plus use tax of \$600.00, for a total award of \$12,600.00.

- *h. Hardware to support the computer network environment as requested by the Information Services Division (ISD). This equipment will be used in the Central Police Department building to support increasing network demands.

The Purchasing Division recommends authorizing purchase from the State of Arizona contract with Cabletron Systems for network hardware for a total of \$17,667.14.

- *i. Five Year Contract for Disaster Recovery (Hotsite) Services and Software as requested by the Information Services Division (ISD). This will provide hot site services to the City in the event of a disaster involving the mainframe computer, as well as software to develop citywide and departmental contingency plans for responding to computer-related disaster.

The Purchasing Division recommends accepting the proposal from Comdisco, Inc. for Hotsite Services and Software for a five-year total of \$190,320.00.

- j. Sixty vehicles for various City departments. 33 vehicles are replacements; 27 are additions to the fleet.

Mel Clayton Ford for items A, B and C at \$628,310.00; Courtesy Chevrolet for items D and E at \$105,659.84; Ed Moses Dodge for items F and I at \$371,664.20; Midway Chevrolet for items G and H at \$40,668.79; and Bill Luke Chrysler Plymouth for item J at \$41,915.48. The combined award is then \$1,188,218.31.

Councilmember Pomeroy informed the audience that in accordance with his philosophy of not allowing contractual items over \$1 million to be approved on consent, he had requested that this item be removed.

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

Carried unanimously.

- *k. Two year contract for Fire Department uniform purchases.

The Purchasing Division recommends accepting the low bids meeting specification, as follows:

Group A to Surf & Ski Enterprises for annual purchases estimated at \$60,000.00; and Group B to United Fire Equipment at \$90,000.00. The combined award is then \$150,000.00 based on estimated requirements.

- *l. Two-year contract for non-emergency towing services as requested by the Police Department and Fleet Support Services. This contract provides for towing of abandoned vehicles and city vehicles that are disabled or being sent to/from a repair facility.

The Purchasing Division recommends accepting the low bid by Diversified Towing Inc., dba Cactus Towing for annual expenditures estimated at \$85,500.00.

- *m. Falcon Well No. 15, City of Mesa Project No. 96-61.

This project consists of the drilling and construction of a new potable water well in the Falcon Water Zone.

Recommend award to low bidder, Zim Industries, Inc., in the amount of \$273,970.00.

- n. Mesa Cemetery Road Improvements. City of Mesa No. 00-33.

This project involves constructing road improvements at the Mesa Cemetery located at 1212 North Center Street.

Recommend award to low bidder, Asphalt Services of Arizona, Inc., in the amount of \$70,465.70.

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.

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

Upon tabulation of votes, it showed:

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

Mayor Brown declared the motion carried unanimously by those voting.

- *o. Water Line Replacements. University Drive to Hawes Road and 87th Street to Main Street. City of Mesa Project No. 97-89.

This project consists of the replacement of existing water lines with the new water lines in the area bounded by University Drive and Main Street and Hawes Road and 8th Street.

Recommend award to low bidder, J. Wise Corporation, in the amount of \$622,164.60.

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.

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

Upon tabulation of votes, it showed:

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

Mayor Brown declared the motion carried unanimously by those voting.

*p. Re-roofing of Council Chambers. City of Mesa Project No. 99-65.

This project involves re-roofing the existing Council Chamber Building located at 57 East First Street.

Recommend award to low bidder, Classic Roofing, Inc., in the amount of \$28,298.00.

*q. Mesa Junior High School Pool Shower Area Re-tiling. City of Mesa Project No. 99-99.

This project consists of the removal and replacement of deteriorated pool shower area tile at Mesa Junior High School located at 828 East Broadway Road.

Recommend award to low bidder, United Tile Company, L.L.C., in the amount of \$12,056.00.

5. Introduction of the following ordinances and setting February 22, 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. **A99-8** Annexing the northeast corner of Mountain and Warner Roads.

b. **Z99- 99** The 4000 and 4100 block of East McDowell Road (north side). Establishment of a PAD overlay (110 acres). This case involves the application of development standards for "The Commons". Various, owner; City of Mesa: Community Development Department, Planning Division, applicants.

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.

In response to a question from Mr. Lew Lentz, 3717 East Pomegranate, a citizen in the area, Mr. Beets advised that Mr. Lentz's previous concerns regarding noise/activity relative to the project have been addressed in the proposed ordinance.

Mr. Lentz thanked Mr. Beets for his input.

It was moved by Vice Mayor Giles, seconded by Councilmember Davidson, that introduction of the proposed ordinance be approved.

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.

- *c. Prohibiting parking on the north side of Main Street from Gilbert Road to Guthrie Street and on Ray Road from Power Road to Sossaman Road; prohibiting parking between 8:00 a.m. and 4:00 p.m. on school days on 25th Street from Brown Road to Glencove Street; establishing a 35 mph speed limit on Ray Road from Power Road to Sossaman Road; and including Ray Road from Power Road to Sossaman Road in Section 10-3-17, "Special Stops Required", of the Mesa City Code, as recommended by the Transportation Advisory Board.
- *d. Pertaining to the regulation of recovery homes and group homes for the handicapped, repealing the recovery home license and establishing a business license for group homes for the handicapped not otherwise licensed by a State or Federal agency by amending Chapter 2, Title 5 of the Mesa City Code; deleting the definition of recovery home thereby regulating such facilities as group homes for the handicapped in the zoning ordinance, by amending Chapters 1, 5, 8 and 13 of Title 11 of the Mesa City Code and providing penalties for the violation thereof.

6. Consider the following resolutions:

- *a. Authorizing the City Manager to enter into 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. 7462.
- *b. Supporting the application of A.R.M. (Affordable Rental Movement) of Save the Family to the Maricopa HOME Consortium for funding through the Federal HOME Investment Partnerships CHDO Program – Resolution No. 7463.
- *c. Supporting the application of HFM (Housing for Mesa) to the Maricopa Home Consortium for funding through the Federal Home Investment Partnerships CHDO Program – Resolution No. 7464.
- *d. Supporting the application of Affordable Accessible Homes (AAH) to the Maricopa HOME Consortium for funding under the HOME Investment Partnerships Program – Resolution No. 7465.
- *e. Authorizing the City Manager to enter into an Intergovernmental Agreement with the Pima County Sheriff's Department for the funding of overtime for a Mesa Police officer assigned to the High Intensity Drug Trafficking area – Maricopa County Clandestine Lab Task Force – Resolution No. 7466.

- *f. Authorizing the City Manager to execute an Intergovernmental Agreement with the Arizona Governor's Office of Highway Safety providing for funds to pay overtime to officers for enforcing youth alcohol laws – Resolution No. 7467.
- *g. Authorizing the City Manager to enter into an Intergovernmental Agreement with the Flood Control District of Maricopa County for the construction of the Hawes Road Channel Improvements – Resolution No. 7468.
- *h. Extinguishing a Public Utility Easement at 6239 E. Brown Road – Resolution No. 7469.

The water and sewer lines within this easement have been relocated, making this easement no longer necessary.
- *i. Declaring that the City Emergency Manager is authorized to execute and file an application for Disaster Relief Funds – Resolution No. 7470.

7. Consider the following ordinances:

- *a. Relating to public safety and sexually oriented businesses; amending Sections 6-1-16, 6-16-1, 6-16-2, 6-16-10, 6-16-15, and 6-16-22 of the Mesa City Code – Ordinance No. 3740.
- *b. Amending Section 11-14-3 of the Mesa Zoning Ordinance regarding Design Guidelines for Signs.

*8. Write-off of utility and miscellaneous accounts in the amount of \$148,567.00. (0.20%).

*9. Consider utilizing the services of a consultant to assist in the development of a comprehensive customer information system be approved as recommended by the Finance Committee.

Councilmember Davidson 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 the recommendation of staff be approved.

Upon tabulation of votes, it showed:

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

Mayor Brown declared the motion carried unanimously by those voting.

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

- a. **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. **CONTINUED FROM JANUARY 3, 2000 COUNCIL MEETING – Ordinance No. 3741.**

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 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.

- b. **Z99-117** South of the southeast corner of Mountain and Williams Field Roads. Rezone from AG to M-2-AF-CUP (36 acres). This case involves the development of a manufacturing facility. Eldorado Holdings, Inc., owner, represented by: K.M. Ingram; Robert B. Winton, applicant – Ordinance No. 3743.

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 of future development plans.
3. Compliance with all requirements of the Public Works Department (Engineering and Traffic Engineering, etc.).
4. Dedicate the right-of-way required under the Mesa City Code at the time of application for a building permit or at the time of the City's request for dedication, whichever comes first.
5. Compliance with all requirements of the Design Review Board.
6. Full compliance with all current Code requirements, unless modified through appropriate review and approval of the variance(s) outlined in the staff report.
7. Owner granting an Avigation Easement and Release to the City pertaining to Williams Gateway Airport which will be prepared and recorded by the City.
8. Approval of an Airfield Overlay Zoning district.

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 Councilmember Kavanaugh, that Ordinance No. 3743 be approved.

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 Ordinance No. 3743 adopted.

- *c. **Z99-118** The southeast corner of Power and Elliot Roads. Site Plan Review (1.84 acres). This case involves the development of a Walgreen's store. Lawrence Abdo, owner; Joel Mesik, applicant – Ordinance No. 3742.

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

1. Compliance with the basic development as described in the project narrative and as shown on the site plan and elevations submitted, except as noted below.
2. Compliance with all City development codes and regulations.
3. Compliance with all requirements of the Public Works Department (Engineering and Traffic Engineering, etc.).
4. Dedicate the right-of-way required under the Mesa City Code at the time of application for a building permit or at the time of the City's request for dedication, whichever comes first.
5. Compliance with all requirements of the Subdivision Regulations.
6. Recordation of cross-access easements.
7. Compliance with all requirements of the Design Review Board.
8. Owner granting an Avigation Easement and Release to the City pertaining to Williams Gateway Airport which will be prepared and recorded by the City (concurrently with the recordation of the final subdivision map, prior to the issuance of a building permit).

- d. **Z99-119** The southeast corner of McKellips and Greenfield Roads. Rezone from M-2 to C-2 (35 acres). This case involves the development of a Wal-Mart. Talley Defense Systems, Inc., owner; DMB/Circle Road Partners, applicant; represented by: Karrin Taylor – Ordinance No. 3744.

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

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

8. Review and approval of a Special Use Permit by the Board of Adjustment for gas pumps, garden center, and comprehensive sign plan.
9. Owner granting an Avigation Easement and Release to the City pertaining to Falcon Field Airport which will be prepared and recorded by the City prior to the issuance of a building permit.
10. Provide a design element at the intersection corner that will be a feature in scale with the center's size and significance to be reviewed and approved by the Public Art Coordinator and Design Review staff.
11. Provide architectural interest and relief for all buildings, on all sides.
12. Provide for a significant citrus character within the landscape plan.
13. Provide adequate area for pedestrians in front of the Wal-Mart entryways to be at least 10' and as approved by the Design Review Board.
14. Offset the alignment of the parking lot landscape islands.
15. Provide textured paving in the circulation aisle in front of the Wal-Mart building.
16. Outdoor seasonal sales, outdoor merchandising and outdoor storage to be restricted to the Garden Center, and not within the parking lot, on the sidewalks or under the building canopy.
17. No overnight camping or RV parking on this site.
18. Provide increased setbacks to be at least 30' for all pad buildings located at the arterial intersection corner.
19. Review and approval of Design Guidelines for the entire commercial site and buildings before or in conjunction with development of the first pad building.
20. Written notice be provided to future tenants, and acknowledgment received that the project is adjacent to the Falcon Field Airport.

Mayor Brown outlined the process that will be followed for this agenda item and said that speakers will be allowed three minutes to present their comments. Mayor Brown added that the applicant, represented by Karrin Taylor, will begin the process and will be provided time in which to present her remarks.

Karrin Taylor, Biskind, Hunt & Taylor, 4201 North 24th Street, Phoenix, an attorney representing the applicant, introduced members of the project development team to the members of the Council. Ms. Taylor noted that the current location represents the fourth site that has been considered by the applicant/developer as a possible location for a Wal-Mart facility in Mesa and added that the firm Opus West will also be participating in the project.

Discussion ensued relative to the applicant's request to "down-zone" 25 acres of land from M-2 to C-2 to allow the development of a community level shopping center, the fact that the site is currently owned and utilized by Talley Defense Systems, permitted uses under the current zoning, including the manufacture of explosives, mining operations and pool dance halls, surrounding zoning uses, the fact that the proposed center will comprise 335,000 square feet of retail space, will contain three major tenants and will be anchored by Wal-Mart, and the fact that the proposed rezoning is consistent with the General Plan (Commerce Park).

Ms. Taylor expressed the opinion that the proposed development will enhance the surrounding area and provide much needed services to the residents. Ms. Taylor briefly reviewed the proposed site plan and commented that the proposed project would set a new standard for site design/landscaping.

Additional discussion ensued relative to landscape enhancements and the fact that the applicant intends to significantly increase the scope of landscaping for this project, including a 45-tree citrus planting, placement and site layout, the applicant's efforts to solicit neighborhood input relative to the type of restaurants the residents would prefer for the proposed restaurant pads, the fact that Letters of Interest have been received from a number of major restaurants requested by the residents, and changes to the typical layout that have been proposed to intensify the uniqueness and quality of the project.

Ms. Taylor commented that based on data that has been received, traffic in the area should not be significantly impacted and briefly discussed proposed right-of-way/turn lanes/deceleration lanes that will be provided as part of the construction to ensure the smooth flow of traffic. Ms. Taylor expressed the opinion that the area is significantly underserved and reported that the population in that area is expected to increase in the next three years by 20%. Ms. Taylor stated that following extensive research, the applicant has determined that no other commercial sites exist within the City of Mesa on which to develop a project of this size and added that significant tax revenue would be generated as a result of this project.

Ms. Taylor advised that a significant number of residents in the area have voiced strong support for the project and urged the Council to approve the zoning request and allow the development of this quality project.

David Crumwiede, Director of Real Estate for Opus West, addressed the Council and commented on his company's involvement with DMB in the development of the proposed project. Mr. Crumwiede stated the opinion that employers and industrial developers seek areas that contain retail development in which to locate and added that the area will become stagnated if the project is not approved.

Mayor Brown thanked Ms. Taylor and Mr. Crumwiede for their comments and indicated that speakers in the audience will now be given an opportunity to provide their input.

The following speakers (in order of appearance) spoke in support of the proposed project and provided various input/opinions including: convenience and affordability, the fact that a wide variety of shopping does not exist in the area, the fact that senior citizens require stores such as this where they can purchase a wide variety of items, the fact that Wal-Mart is community oriented and would employ a significant number of workers, sales tax revenues that would be generated as a result of the project, the appropriateness of the site, the importance of attracting businesses to Mesa, and positive impacts on the surrounding retail facilities:

SUPPORTERS

Cheri Sanderson	2146 East Glencove
Tom McQuown	4540 East Hannibal
Eric Coates	11360 East Des Moines
Christian Salatia	2151 East Southern
John Arterburn	11046 North 53rd Street
Ann Marie Oliva	318 North 26th Street
Robert Blomberg	220 South Inca
Robert Sanderson	2146 East Glencove
Cindy Ryan	3965 North San Gabriel
Steve Wegenter	3500 North Greenfield
Marty Muir	11095 East Sorrel, Scottsdale

Scott Kerr	586 North Oxford, Chandler
Roxie Rowley	4559 East Hobart
Eugene Barkl	1017 West Heather
Beulah Lawrence	1535 East 3rd Place
Rose Eckhart	East Jensen Street
Bill Mogan	6221 East Nisbet, Scottsdale
James Jenkins	3660 East Pomegranate
Inez Wortman	4464 East Halifax
Darlene Ball	None provided

The following citizens (in order of appearance) spoke in opposition to the proposed project and provided various input/opinions including: negative impacts on property values and safety, increased traffic and accidents, the fact that expensive homes are located in close vicinity, the fact that the site's proximity to the airport renders the property valuable and therefore should be preserved for more appropriate uses in the future, concerns regarding pollution and noise, the fact that Wal-Mart stores are located in close proximity and residents can access those stores within a very short driving time, and the importance of enhancing Mesa's image and expending efforts to attract high-scale businesses to the area rather than "big-box" developments such as Wal-Mart:

OPPONENTS

Al Gardener	2203 East Hackamore
Doug Felding	4222 East McLellan
Jack Higgins	341 North Lemon
Michael Day	4865 East Halifax
Paul Knauth	4227 East Hope
Bill Toon	4222 East Brown Road
David Wayne	3851 East Juniper
David Craine	4222 East Brown Road
Deborah Jacobs	4222 East Brown Road
Laurie Lee	3309 North St. Elias
Dave Metcalf	1143 North Ogden
Edward Murphy	2659 East Kael
Renee Blair	4757 East Hannibal
Ron Hoon	4222 East McLellen
Marty Blair	4757 East Hannibal
Becky Schlappi	1933 North 39th Street
Bill Dauksher	4265 East Hale
Kathy Amos	4313 East McKellips
Peggy Phillips	4849 East McLellan
Catherine Glausser	4037 East McLellan
Max Boyer	4036 East Hale
Bill Thomas	3817 East Minton
Frank Bowman	4222 East Brown
Brad Ghormley	3845 East Ivy
Steven Forrester	1560 North Ogden
Steve Lewis	4062 East Hope
Richard Gulbrandsen	4222 East McLellan
Jackie Wick	4264 East Hope
Jeff Flake	4222 East McLellan
Suzette Dobbins	4659 East Grandview

Janet Cotie	1455 North Orlando
Linda Williams	4222 East McLellan
Don Chapman	3730 East Menlo
Kirby Allan	2043 East Hackamore
George Fahnbulleh	3850 East Huber
Bruce Grieser	4224 East Hackamore
Jim Dolan	1517 North Orlando

The following citizen spoke regarding this issue but did not state either a pro or con position:

Ed Grazier	Not provided
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(A number of citizens, both for and against the approval of this case, submitted slips indicating their support or opposition but did not wish to address the Council.)

Mayor Brown thanked the speakers for their input.

Ms. Taylor addressed the Council and stated that petitions containing several hundred signatures in support of the project have been hand delivered to the Council and said that they have received a tremendous amount of favorable correspondence from citizens and residents in the area. Ms. Taylor expressed the opinion that retail amenities are critical in the area and noted that a number of other approved uses for the site would create additional traffic and negatively impact the area. Ms. Taylor stated the opinion that the proposed site is the most appropriate location for the project and requested that the Council support the applicant's request for rezoning.

Mayor Brown thanked Ms. Taylor for her comments.

In response to a question from Vice Mayor Giles, Ms. Taylor stated that as restaurant pads are identified in the future, they will be submitted to the Council for their review on a voluntary rather than mandatory basis.

Ms. Taylor provided input relative to a number of restaurants that have indicated interest in locating at that site.

Discussion ensued relative to Opus West's involvement in the project, the fact that the developer's application is consistent with Federal Aviation Requirements (FAA) regarding overflights, construction phasing and proposed landscaping, and the fact that the City Council's authority would govern only "design" and not "use."

Councilmember Kavanaugh stated that the applicant has done an admirable job in designing the project and complimented Ms. Taylor on her presentation. Councilmember Kavanaugh advised that he will not vote in support of the project and commented that the City of Mesa is littered with remnants of poor zoning decisions. Councilmember Kavanaugh said that strip malls are struggling to survive and stated the opinion that "big-box" retail will be the strip malls of the future and will also struggle. Councilmember Kavanaugh stated the opinion that the zoning change is inconsistent with long-term zoning goals and should not be approved.

Councilmember Jaffa spoke in support of protecting Mesa's industrial corridors and expressed the opinion that the sales tax benefits touted by the proponents of this case are inaccurate and in the long run will not benefit Mesa. Councilmember Jaffa noted that the proposed project would

encompass five acres and questioned what would happen to the facility if Wal-Mart decided to move from that location. Councilmember Jaffa commented on the fact that a large number of pads do not have identified users at this time and said that should this case be approved, the Council will receive similar requests for rezoning. Councilmember Jaffa advised that an alternative site for Wal-Mart may not be available in Mesa and stressed the importance of protecting the property values of up-scale residences in the area. Councilmember Jaffa stated that he would not support the applicant's request.

It was moved by Councilmember Jaffa, seconded by Councilmember Kavanaugh, that the applicant's request relative to Zoning Case Z99-10 be denied.

Councilmember Hawker commented that he voted in opposition to a previous Wal-Mart project based on the fact that the proposed site was located in close proximity to Barbara Bush Elementary School. Councilmember Hawker said that at that time he had indicated that he would support the project if it was presented at a more appropriate location. Councilmember Hawker stated the opinion that this site represents the best location for the store. Councilmember Hawker stated the importance of ensuring that the applicant present the Council with proposed "pad" users as they are identified in the future and requested that some type of assurance be given that the restaurant pads will be built in conjunction with Wal-Mart. Councilmember Hawker said he supports the project.

Mayor Brown commented that the current site under consideration was suggested by staff and added that the City of Mesa does depend on sales tax revenues. Mayor Brown added the opinion that efforts to implement a property tax would be defeated and said that he will vote in support of the requested zoning.

Councilmember Pomeroy advised that there are two major concerns surrounding this case, the fact that the site is a prime location for future industrial development and the fact that the project would be located in close proximity to up-scale housing. Councilmember Pomeroy indicated his intention to support the recommendations of the citizen groups which investigated this matter and have stated that the proposed site is appropriate for this type of development. Councilmember Pomeroy added that extra effort has been expended to improve the aesthetics of the project and said that he will support the case.

Councilmember Davidson stated the opinion that the Council should exercise patience and not approve the current case. Councilmember Davidson said that the area is changing and urged the Council to delay zoning decisions on this site until the freeway development to the north has been completed and its impacts on the area can be determined. Councilmember Davidson added that Wal-Mart may not constitute "sustainable development" and stressed the importance of planning for the long-term future of Mesa. Councilmember Davidson indicated he will vote in opposition to the approval of the case.

Vice Mayor Giles stated that he can identify with the concerns of the neighbors and said that maintaining quality of life is important. Vice Mayor Giles advised that he will support the development and said that the use is appropriate for this site. Vice Mayor Giles also commented on the importance of generating sales tax revenues and said that although he would oppose a "domino effect" at this site, he will support the current retail use. Vice Mayor Giles added that he expects the developer to honor their obligation and come back before the Council as each pad is secured.

At this time, the Council voted on the pending motion.

Upon tabulation of votes, it showed:

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

Mayor Brown declared the motion failed.

It was moved by Vice Mayor Giles, seconded by Councilmember Hawker, that Zoning Case Z99-19, Ordinance No. 3744 be approved.

Upon tabulation of votes it showed:

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

Mayor Brown declared the motion carried by majority vote and Ordinance No. 3744 adopted.

11. Consider the following subdivision plats:

- *a. "TRIGRAM ESTATES UNIT III" – The 2900 block of North 64th Street (east side) 26 R1-9 single residence lots (9.99 acres) Sorensen Development Co., developer; Allen Consulting Engineers, Inc., engineer.
- *b. "SUPERSTITION TRIANGLE BUSINESS PARK UNIT 2" – The 1600-1700 blocks of South Greenfield Road (east side) 4 C-2 commercial lots (8.86 acres) Langley Superstition Triangle Limited Partnership, developer; Ace Engineering, Inc., engineer.
- *c. "S.E.C. BASELINE AND ROSLYN" – The 6900 block of East Baseline Road (south side) 4 C-2 DMP commercial lots (3.64 acres) S.E.C. Baseline & Roslyn, L.L.C., developer; Neil/McGill Consultants, Inc., engineer.
- *d. "RED MOUNTAIN CORPORATE CENTER" – The 6100 block of East Brown Road (north side) 8 O-S PAD office condominium lots (3.30 acres) Aaron Family, L.L.C., developer; Allen Consulting Engineers, Inc., engineer.
- *e. "SAFEWAY STORE #1637" – The 3600-3700 blocks of East Southern Avenue (north side) 6 C-2 commercial lots (12.50 acres) Safeway, Inc., developer; Evans, Kuhn & Associates, Inc., engineer.
- *f. "MAP OF DEDICATION FOR DESERTSCAPES APARTMENTS" The 1300-1400 blocks of South Higley Road (west side) SCLS, L.L.C., developer; O'Neill Engineering, Inc., engineer.

- *g. "WHEELER PLACE" – The 200 block of North Hobson (east side) 4 R1-6 PAD single residence lots (.59 acres) Damon Carl Wheeler and Colleen Clarkson Wheeler, developer; Allen Consulting Engineers, Inc., engineer.

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

There were no citizens wishing to speak at this time.

13. Adjournment.

Without objection, the Regular Council Meeting adjourned at 10:36 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 7th day of February 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