

COUNCIL MINUTES

October 21, 1996

The City Council of the City of Mesa met in a Regular Council Meeting in the Council Chambers, 57 East 1st Street, on October 21, 1996 at 5:37 P.M.

COUNCIL PRESENT

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

COUNCIL ABSENT

None

POLICE OFFICER
PRESENT

Roy Dunkelbarger

OFFICERS PRESENT

C.K. Luster
Neal Beets
Barbara Jones

(Due to the resignation of Councilmember Jensen, only six Councilmembers were present at the meeting.)

The Invocation was given by Dr. Jim Adams, Cornerstone Bible Church.

The Pledge of Allegiance was led by Ben Wells, Troop 52.

1. Approval of minutes of previous meetings as written.

It was moved by Councilmember Stapley, seconded by Councilmember Giles, that the minutes of October 3, 4, and 7, 1996 be approved.

Carried unanimously.

2. Prescheduled public opinion appearances (maximum of three speakers for five minutes per speaker).

- a. Hear from Joy Carter of the Arizona Senior Olympics regarding Mesa's participation.

Joy Carter, Chairman of the Arizona Senior Olympics Board of Directors and former Phoenix Vice Mayor/Councilmember, presented a plaque to Mayor Brown and thanked the City of Mesa for its support of the Arizona games over the past fourteen years. Ms. Carter recognized volunteers present at the meeting and expressed appreciation for their contributions. Ms. Carter provided background information concerning the Arizona Senior Olympics and encouraged participation in future events.

Mayor Brown thanked Ms. Carter for the presentation.

- b. Hear from Kirby Allan regarding "Impossible Leadership."

Kirby Allan, 2043 East Hackamore, expressed concern and cited examples which he believes represent improper leadership of the City.

- c. Hear from Mary Simon regarding "Effects on Mesa and Mesa businesses and citizens because of the smoking issue Prop 200.

Mary Simon, representing Valley Business Owners (VBO) and various concerned citizens, read an editorial published recently in the *Business Journal* pertaining to difficulties associated with Proposition 200, the smoking initiative approved by voters at the March 1996 Primary Election. Ms. Simon requested Council consideration of modifications to the measure which she believes would be in the best interest of the City. Ms. Simon extended an invitation to businesses and citizens to join the VBO organization.

3. Consider 11 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 Gilbert, seconded by Councilmember Stapley, that the consent agenda items be approved.

Carried unanimously.

4. Consider the following liquor license applications:

- *a. TOM VERPLOEGEN, EXECUTIVE DIRECTOR

Special event license application of Tom Verploegen, Executive Director, for Fine Folk Festival, a two-day civic event to be held Saturday, November 2, 1996, and Sunday, November 3, 1996, from 10:00 a.m. to 5:00 p.m. at Pepper Place between Center and Robson Streets.

- *b. TONY P. PREESE, CHAIRMAN

Special event license application of Tony P. Preese, Chairman, for St. Tim's Fall Fest, a three-day religious event to be held Friday, October 25, 1996, Saturday, October 26, 1996, and Sunday, October 27, 1996, from 1:00 p.m. to 10:00 p.m. at 1730 West Guadalupe Road, St. Timothy's Catholic Church.

- *c. JOSEPH SPADARO, PROGRAM DIRECTOR

Special event license application of Joseph Spadaro, Program Director, for St. Bridget's Knights of Columbus, a one-day fraternal event to be held Friday, November 8, 1996, from 6:00 p.m. to 12:00 midnight at 2213 North Lindsay Road, St. Bridget Catholic Church.

*d. JEAN M. KAMINSKI, PARISH ADMINISTRATOR

Special event license application of Jean M. Kaminski, Parish Administrator, for St. Bridget Catholic Church, a two-day religious event to be held Friday, May 2, 1997, and Saturday, May 3, 1997, from 6:00 p.m. to 10:00 p.m. at 2213 North Lindsay Road, St. Bridget Catholic Church.

*e. JEAN M. KAMINSKI, PARISH ADMINISTRATOR

Special event license application of Jean M. Kaminski, Parish Administrator, for St. Bridget Catholic Church, a one-day religious event to be held Tuesday, December 31, 1996, from 8:00 p.m. to 1:00 a.m. at 2213 North Lindsay Road, St. Bridget Catholic Church.

*f. JEAN M. KAMINSKI, PARISH ADMINISTRATOR

Special event license application of Jean M. Kaminski, Parish Administrator, for St. Bridget Catholic Church, a two-day religious event to be held Sunday, March 16, 1997, and Monday, March 17, 1997, from 6:00 p.m. to 10:00 p.m. at 2213 North Lindsay Road, St. Bridget Catholic Church.

*g. LINDA VOLHEIN, EXECUTIVE DIRECTOR

Special event license application of Linda Volhein, Executive Director, for Florence Crittenton Services of Arizona, Inc., a one-day charitable event to be held Saturday, October 26, 1996, from 7:30 p.m. to 12:00 midnight at 1312 West Southern Avenue, #1, Tinderbox.

*h. KENNETH JAMES BARRO, AGENT

Location transfer beer and wine bar license for Barro's Pizza, 2711 South Alma School Road, #4. This transfer is from Barro's Pizza, 2740 South Alma School Road, Mesa, to 2711 South Alma School Road.

*i. ANNA VALENCIA, AGENT

New restaurant license for Bahia De Kino, 1040 West Broadway Road. The license previously held at this location by Dale Harris Olson, Individual, Spanky's, closed October 31, 1994.

*j. DAVID ANTHONY KNAPPENBERGER, AGENT

New restaurant license for Famous Sam's, 706 West Southern Avenue. The license previously held at this location by Michael C. Schouten, agent, SWS Restaurants, Inc., will revert back to the State.

k. RUBEN MAGALLANES, AGENT

New restaurant license for Los Arcos Mexican Food, 2155 West Broadway Road. The license previously held at this location by Ruben Magallanes, etal, Los Arcos Restaurant & Sports Bar, will revert back to the State.

Jerry Lewkowitz, 201 North Central Avenue, Phoenix, representing the applicant, briefly provided background information regarding the case.

Vice Mayor Gilbert related concerns expressed by staff relative to prior violations and the inability of the establishment in the past to meet the 40 percent food sales requirement. Mr. Lewkowitz commented that what appeared to be noncompliance was the result of incorrect accounting practices. Mr. Lewkowitz reported that the applicant has now secured a new accountant, and utilizing a corrected method of control/accounting, has expressed the opinion that he will be able to meet/maintain the food sales requirement.

Mr. Lewkowitz noted that the applicant was not initially represented by counsel at a hearing before the State Liquor Board and that he subsequently requested a rehearing (motion denied) and has now filed an appeal.

Mr. Lewkowitz responded to questions from Council relative to the proposed menu and hours of operation.

In response to questions from Vice Mayor Gilbert, Tax and Licensing Administrator Larry Lines advised that previous State and City audits revealed noncompliance, for which citations were issued. Mr. Lines stated that the applicant pled guilty, paid fines, and was placed on a 36-month probation, which was subsequently violated as substantiated by a State audit completed in 1994. Mr. Lines indicated that the applicant was notified by the State that the license would not be renewed upon its expiration in 1995. Mr. Lines said that the applicant appealed the decision to the Superior Court, where an appeal currently remains pending. Mr. Lines stated that the Court required the State to renew the license for 1996, pending the Court's decision.

Mr. Lines added that a recent State inspection revealed that the establishment is presently operated as a bar. Mr. Lines commented that State Liquor Department officials have indicated that they will protest this application before the State Liquor Board.

Vice Mayor Gilbert expressed concern that the establishment consistently has not met the 40 percent food sales requirement and appears to operate as a bar rather than a restaurant.

For the reasons stated, it was moved by Vice Mayor Gilbert, seconded by Councilmember Stapley, that the new license application be denied.

Carried unanimously.

*1. ESTHER LIBA CHODAKIEWITZ, AGENT

New restaurant license for Mucho Mas Mexican Grill, 450 North Alma School Road. This is a new business; no previous liquor licenses at this location.

5. Consider the following bingo license application:

*a. CLASS A

St. Timothy's Catholic Community Center
Father Dale Fushek, Supervisor
1730 W. Guadalupe Road
Mesa, AZ 85202

6. Consider the following contracts:

- *a. 15,000 gallons of sodium hypochlorite to be used for odor control at the wastewater reclamation plants as requested by the Utilities Department.

The Purchasing Division recommends accepting the low bid by Hill Brothers Chemical Company at \$10,500.00 plus 7.05% sales tax of \$740.25 for a total of \$11,240.25 based on estimated requirements.

- *b. One replacement Holmatro rescue tool and assorted fire hose as requested by the Fire Department.

The Purchasing Division recommends accepting the low bids as follows:

Item 1 to First-In Inc. at \$14,550.00 plus 7.05% sales tax of \$1,025.77 for a total of \$15,575.77;

Item 2 to Roadrunner Fire and Safety Equipment at \$6,555.00 plus 7.05% sales tax of \$462.12 for a total of \$7,017.12;

Items 3, 4, 5, 6, and 7 to Canyon State Emergency Products at \$23,179.00 plus 7.25% sales tax of \$1,680.47 for a total of \$24,859.47.

The combined award is then \$47,452.36.

- *c. Annual supply contract for herbicides to be used by the Golf Course, Parks Maintenance, Building Maintenance, and Streets Maintenance.

The Purchasing Division recommends accepting the low bids as follows:

Item 1 to United Agri Products at \$37,720.00 plus 7.25% sales tax of \$2,734.70 for a total of \$40,454.70;

Item 2 to Fertilzona at \$29,800.00 plus, 7.08% sales tax of \$2,324.40 for a total of \$32,124.40; and

Item 3 to Helena Chemical at \$3,160.00 plus 5% use tax of \$158.00 for a total of \$3,318.00.

The combined award is then \$75,897.10.

- *d. One-year renewal of the annual supply contract for streetlight poles, arms, and anchor bolts for warehouse inventory to be used by the Traffic and Streets Division.

The Purchasing Division recommends exercising the only one-year renewal option as follows:

Groups A and C to CEM-TEC Corp. at \$47,049.00 plus 7.05% sales tax of \$3,316.95 for a total of \$50,365.95; and

Group B to Valmont Industries, Inc. at \$24,000.00 plus 5% use tax of \$1,200.00 for a total of \$25,200.00.

The combined award is then \$75,565.95.

- *e. One-year renewal of the annual supply contract for crack sealant as requested by the Streets Maintenance Division.

The Purchasing Division recommends exercising the only one-year renewal option with the sole bid by Brewer Cote of Arizona at \$47,425.00 plus 7.05% sales tax of \$3,343.46 for total of \$50,768.46 based on estimated requirements.

- *f. One replacement high-volume copier for the Central Patrol Division of the Police Department.

The Purchasing Division recommends authorizing purchase from the State of Arizona contract with Infincom/Business Systems at \$14,960.00 plus 6.95% sales tax of \$1,039.72 for a total of \$15,999.72.

- *g. Two replacement utility vehicles used for general maintenance at the Cemetery and the Riverview Golf Course as requested by the Parks, Recreation, and Cultural Division.

The Purchasing Division recommends authorizing purchase from the State of Arizona contract with Bingham Equipment Company at \$24,144.00 plus 5% use sales tax of \$1,388.28 for a total of \$25,532.28.

- h. Annual supply contract for automotive oils and greases as requested by Fleet Support Services. This is a consolidated cooperative bid with Mesa Schools.

The Purchasing Division recommends accepting the lowest overall bid by Brown Evans Distributing at \$59,076.11 plus 5.75% sales tax of \$3,396.87 for a total of \$62,472.98 based on estimated requirements.

Mayor Brown 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 yielded the gavel to Vice Mayor Gilbert.

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

Upon tabulation of votes, it showed:

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

Vice Mayor Gilbert declared the motion carried unanimously by those voting.

With action on this agenda item completed, Vice Mayor Gilbert yielded the gavel to Mayor Brown.

*i. 1996/97 seal coat project.

This project will apply fog seal on various streets as a part of the City's street maintenance program.

Recommend award to low bidder, Meadow Valley, in the amount of \$103,898.12.

*j. Storm drain improvements (North Loma Vista Street, East Enrose Street, and North Creston Street).

This project will correct an existing neighborhood drainage problem by installing storm drain improvements on North Loma Vista from East Ellis Street to East Enrose Street, East Enrose Street from North Loma Vista to North Creston, and North Creston from East Enrose Street to East Encanto Street.

Recommend award to low bidder, Pierson Construction Corp., in the amount of \$78,898.00.

*k. Falcon Field Park improvements.

This project will improve facilities at Falcon Field Park, 4641 East Fighter Aces Drive, Falcon Field. Improvements will consist of the construction of new rest room buildings, park concrete walkways, area lighting, asphalt parking (eight spaces), children's play area and play equipment, and related landscaping.

Recommend award to second low bidder, W. L. Emshoff, in the amount of \$223,962.00. The low bidder was improperly licensed for this project.

- *1. City Well No. 26.

This project will drill a new City Zone water well in the 200-300 block of South Brooks Street.

Recommend award to low bidder, Layne-Western, in the amount of \$307,780.00.

7. Consider recommendations from the Utility Committee meeting held October 2, 1996.

- *a. Recommend that the City of Mesa's Water System Master Plan Update be adopted.
- *b. Recommend that the City of Mesa's Sewer System Master Plan Update be adopted.
- *c. Recommend that staff be directed to proceed with the preparation of necessary documents and agreements to facilitate construction of a regional wastewater treatment plant in cooperation with the Town of Gilbert (Option No. 2).

8. Introduction of the following ordinance and setting November 4, 1996 as the date for the 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. Amending Sections 11-17-2, 11-17-3, and 11-17-4 regarding recreational vehicle parks and subdivisions by changing the definition and specifications of a recreational vehicle accessory structure and by reducing the setbacks and increasing the space sizes in recreational vehicle parks.

9. Consider the following resolutions:

- *a. Extinguishing a portion of a drainage easement in Tract B of Sierra Ranch Subdivision - Resolution No. 6955.

A retention basin has been completed and this portion of the easement is no longer needed.

- *b. Extinguishing a portion of a public utility and facilities easement at 351 South Power Road -Resolution No. 6956.

Property is being redeveloped and easement is no longer needed.

- *c. Extinguishing a temporary easement for drainage at 351 South Power Road - Resolution No. 6957.

Property is being redeveloped and easement is no longer needed.

- *d. Authorizing the use of eminent domain to acquire various parcels of land and necessary easements along McKellips Road from Country Club Drive to east of Gilbert Road and on Gilbert Road north and south of McKellips Road - Resolution No. 6958.

Right-of-way and easements are necessary for the McKellips Road wall project.

- e. Authorizing the use of eminent domain to acquire property located at 130 and 144 East Main Street - Resolution No. 6959.

This property is needed for the redevelopment of Site 14.

Mayor Brown 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 yielded the gavel to Vice Mayor Gilbert.

Real Estate Services Director Doug Tessororf provided background information concerning the request for use of eminent domain.

Mr. Tessororf advised that a disagreement has developed between the note holders and the current owner of the Sun Valley Motel relative to the details and timing of the note payoff. Mr. Tessororf stated that under eminent domain, the court will grant possession to the City once Mesa has deposited funds into an escrow account. Mr. Tessororf said that the use of eminent domain will not affect the purchase price agreed to by the owner.

Mr. Tessororf noted that the A-1 Trailer Park, apartments, and commercial buildings are owned by Vale Property One, a partnership located in Tempe. Mr. Tessororf said that aside from one counteroffer, which was incomplete and has yet to be supported, Vale Property One has neither accepted nor rejected any offers from staff concerning the purchase of the property and is no longer responding to requests for additional meetings or information. Mr. Tessororf related staff's concern that new tenants will begin to occupy the buildings and stated that eminent domain appears to be the only method left to resolve the valuation and purchase of the site.

It was moved by Councilmember Stapley, seconded by Councilmember Kavanaugh, that Resolution No. 6959 be adopted.

Upon tabulation of votes, it showed:

AYES - Gilbert-Giles-Kavanaugh-Stapley
NAYS - Payne
ABSTAIN - Brown

Vice Mayor Gilbert declared the motion carried by majority vote and Resolution No. 6959 adopted.

With action on this agenda item completed, Vice Mayor Gilbert yielded the gavel to Mayor Brown.

- f. Authorizing acquisition of approximately 90 acres of land near South Greenfield and Queen Creek Road for a future wastewater treatment plant in conjunction with the Town of Gilbert (Agenda Item 7c above) - Resolution No. 6960.

Public Works Manager Harry Kent explained that the requested land acquisition is to accommodate a future regional wastewater treatment plant to be developed in conjunction with the Town of Gilbert and utilized by Queen Creek.

Councilmember Kavanaugh advised that this matter was considered by the Utility Committee and was unanimously recommended for approval.

Bill Brando, 61 South Macdonald, expressed concern relative to the number of water/water treatment agreements executed since the siting of TRW and the amount of funding that will be needed to acquire this property. Mr. Brando stated the opinion that additional information pertaining to facility costs should have been included on the meeting agenda.

In response to questions from Mr. Brando, Mr. Kent estimated the cost for the initial phase of the plan at \$17.8 million. Mr. Kent said the allocation of costs have not yet been determined and may be calculated as a percentage of use.

City Manager Charles Luster noted that the proposed facility is a wastewater treatment plant and not a water treatment plant.

It was moved by Councilmember Kavanaugh, seconded by Vice Mayor Gilbert, that Resolution No. 6960 be adopted.

Carried unanimously.

10. Consider the following ordinance:

- a. Granting a nonexclusive license to Metricom, Inc. to install a wireless digital communications radio network within Mesa's street right-of-way with connections to existing streetlight poles - Ordinance No. 3260.

Mike Flynn, representing Metricom, Inc., a Delaware corporation, summarized his firm's proposal to install and operate a wireless communications system within Mesa, Tempe, and Phoenix. Mr. Flynn displayed a diagram and advised that the product will provide subscribers, for a monthly fee, services such as electronic mail capability and Internet access.

In response to a question from Councilmember Stapley, Mr. Flynn stated that as part of the licensing agreement, Metricom will pay the City \$60.00 per radio for the use of poles as well as 5 percent of the gross receipts from subscribers within Mesa. Public Works Manager Harry Kent indicated that the minimum fee is \$2,000 per year.

Mayor Brown stated the opinion that the request is premature. Mayor Brown expressed concern regarding the appearance of the units when attached to streetlights and the precedent that may be set in granting such a license.

Mr. Flynn informed Council that the proposed system is operational in numerous cities throughout the nation and represents state-of-the-art technology. Mr. Flynn noted that the wireless system eliminates the need to construct new towers.

Councilmember Payne expressed agreement with Mayor Brown and said that she will not vote in favor of the proposal.

Councilmember Kavanaugh commented that this matter was considered by the Transportation Committee in December 1995 and recommended for approval. Councilmember Kavanaugh stated that the proposed system is less invasive than the utilization of towers and provides citizens a technological advantage. Councilmember Kavanaugh indicated support for the system.

In response to questions from Councilmember Stapley, Mr. Flynn presented additional information pertaining to the operation of the network, noting that this system is quicker and more cost-effective than systems provided by cellular companies. Mr. Flynn stated that subscribers receive unlimited use for a monthly fee and are able to access the network without installing a new telephone line.

Mayor Brown expressed the opinion that this system is unnecessary, commenting that many citizens currently have access to the Internet. Mayor Brown noted technological advances utilizing cable television.

Councilmember Giles commented that the wireless system utilizes existing structures and eliminates the need for towers. Councilmember Giles said that he will vote in favor of the proposal.

It was moved by Councilmember Kavanaugh, seconded by Councilmember Giles, that Ordinance No. 3260 be adopted.

Vice Mayor Gilbert stated the opinion that the proposal represents a technological advance and is an opportunity appropriate to consider. Vice Mayor Gilbert said that the wireless system eliminates the need for trenches through neighborhoods. Vice Mayor Gilbert noted that the duration of the license is limited (initial term of five years).

Upon tabulation of votes, it showed:

AYES - Gilbert-Giles-Kavanaugh-Stapley

NAYS - Brown-Payne

Mayor Brown declared the motion carried by majority vote and Ordinance No. 3260 adopted.

11. Consider the following cases from the Downtown Development Committee:

- *a. A portion of the 200 block of South Hibbert (Parcels 138-47-43, 48A, 49A, 50, and 51); rezone from TCR-2 (restricted multiple residential) to TCB-2 (general commercial/light manufacturing) - Ordinance No. 3242.

This case involves a proposal to construct new industrial space in the northwest quadrant of Mesa Block 17, bounded by South Hibbert Street to the west, East 2nd Avenue to the north, South Pomeroy Street to the east, and East 3rd Avenue to the south. The applicant also proposes to modify existing Special Use Permits approved for outdoor storage activities, and variances to reduce on-site parking and landscaping requirements in conjunction with the renovation of an existing commercial structure.

Recommendations: The Downtown Development Committee recommends approval of Case No. CZ96-3TC and the corresponding ordinance subject to:

- 1) Full compliance with all current Code requirements, except as modified through the approval of the rezoning, SUP modifications, and variances as outlined below;
- 2) Granting of the rezoning for Tax Parcels 138-47-43, 48A, 49A, 50, and 51 from TCR-2 (restricted multiple residential) to TCB-2 (general commercial/light manufacturing);
- 3) Granting modifications to the existing Special Use Permits for outdoor storage;
- 4) Denying the variance request to reduce the required on-site parking by five (5) spaces (new development);
- 5) Requiring the applicant to execute and record a cross-access parking agreement to accommodate the five parking spaces that would otherwise be deficient on this site (new development);
- 6) Granting of a variance to exceed the maximum building height limit in a TCB-2 zoning district in order to accommodate the 55' height of the existing mill building proposed to be renovated to office suites on the first floor (mill building);
- 7) Granting of a variance for an existing building encroachment into the required front yard setback at 259 South Hibbert Street (mill building);
- 8) Granting of a variance to reduce the front yard landscaping requirement at 259 South Hibbert Street (mill building);
- 9) Granting of a variance to eliminate the landscaping requirement within an interior parking area (mill building); .
- 10) Granting of a variance to reduce the landscaping requirements for landscaping adjacent to the interior property line separating the existing multi-family residential complex (the Bel Aire) and the proposed new warehouse (new development);
- 11) That the owner eliminate (with the County Assessor's Office) the south property line for parcel 48A since the proposed new warehouse is being located over said property line; and
- 12) That a Certificate of Occupancy will not be issued for the mill building office until the existing, on-site, illegal trailer is removed from the property.

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

- *a. Code amendment amending Sections 11-6-2 and 11-6-4 regarding permitted uses in the C-2 district by deleting the requirement of a Special Use Permit for mini-storage facilities and by requiring a Special Use Permit for limited outdoor storage of rental vehicles in conjunction with a car rental satellite facility - Ordinance No. 3243.

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

- *b. Code amendment amending Sections 11-18-5 and 11-18-7 regarding administration and procedures by deleting the option to appeal a decision of the Board of Adjustment to the City Council and by bringing the Planning and Zoning Board notification procedures into conformance with State Statutes - Ordinance No. 3244.

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

- *c. **Z96-39** The northeast corner of McKellips Road and Harris Drive. Rezone from AG to R1-9. This case involves the development of a conventional 108-lot residential subdivision. Barney Trust, Hansen Trust, Jarvis Trust, Brown, & Harper's Nursery, owners; Metropolitan Land Co., applicant. **THE APPLICANT HAS REQUESTED THAT THIS CASE BE CONTINUED TO THE NOVEMBER 4, 1996 CITY COUNCIL MEETING.**

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

1. Compliance with the basic development as shown on the preliminary plat submitted, except as noted below;
 2. Compliance with all City development codes and regulations;
 3. Compliance with all requirements of the Public Works Department (Engineering and Traffic Engineering, etc.);
 4. 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 the "McKellips and Harris Proposed Development Stipulations," except that individual on-lot retention must receive approval by the Public Works Department; and
 7. Provide an eight foot (8') sound wall along the McKellips Road frontage using the design developed by the City of Mesa.
- *d. **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 193-lot conventional subdivision. Mesa 50 LC, owner; Gerry La Fountain, applicant. **THE APPLICANT HAS REQUESTED THAT THIS CASE BE REFERRED BACK TO THE PLANNING AND ZONING BOARD.**

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. 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. Full compliance with all current Code requirements, unless modified through appropriate review and approval;
8. This subdivision to be annexed into the "Sierra Ranch" homeowners' association; and
9. Compliance with residential diversity stipulations as described by the applicant: no two similar elevations to be adjacent to each other; a variety of colors to be provided; variation in front yard setbacks; and the open space to have usable amenities.

*e. **Z96-67** The southeast corner of Pecos Road and South Crismon Road. Rezone from R1-43 and R1-43-AF to M-2 and M-2-AF (320± acres). This case involves rezoning to accommodate future industrial development. Newell Barney, owner; Standage and Truitt Engineering, Ltd., applicant - Ordinance No. 3245.

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

1. Establishment of M-2-AF and M-2 zoning at this time;
2. Site plan review by the Board and Council of all future development plans;
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 or at the time of the City's request for dedication, whichever comes first;
5. Owner granting an Avigation Easement and Release to the City pertaining to William Gateway Airport, which will be prepared and recorded by the City prior to the issuance of a building permit;
6. Notice be provided to future developments that the project is within one mile of Williams Gateway Airport and including a statement that additional information pertaining to aircraft operations and airport development may be obtained by contacting the Williams Gateway Airport administration office; and
7. Noise-attenuation measures be incorporated into the design and construction of the buildings (office, public area) to achieve a noise level reduction of 25 decibels.

*f. **Z96-68** The 1300 through 1500 blocks of Superstition Springs Boulevard. Rezone from M-1-AF-PAD, C-2, and C-2-BIZ to M-1-PAD (24± acres). This case involves the expansion of the Superstition Springs Auto Mall. The Westcor Company II, L.P., owner; Westcor Partners, applicant - Ordinance No. 3246.

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

1. Compliance with the basic development as shown on the preliminary plat submitted and June 12, 1996 design guidelines, except as noted below;
2. Review and approval by the Design Review Board of future development plans;
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 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; and
6. Review and approval of a Special Use Permit by the Board of Adjustment for a comprehensive sign plan.

*g. **Z96-69** The 3900 block of East Brown Road (north side). Rezone from AG to R1-35 (4± acres). This case involves the development of a single-residence lot. Billy G. Johnson, owner/applicant - Ordinance No. 3247.

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

1. Compliance with applicant's letter dated August 21, 1996 and the basic development as shown on the site plan and elevation, 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 or at the time of the City's request for dedication, whichever comes first;
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 prior to the issuance of a building permit;
6. Notice be provided to future residents that the project is within one mile of Falcon Field Airport;
7. Noise-attenuation measures be incorporated into the design and construction of the homes to achieve a noise level reduction to 40 Ldn; and
8. Retaining two rows of citrus along the Brown Road frontage.

*h. **Z96-70** The southwest corner of Baseline Road and Hawes Road. Rezone from R1-7-DMP to R-2-PAD-DMP. This case involves the development of a condominium project within Sunland Village East. Ross Farnsworth, owner, Craig Ahlstrom, applicant – Ordinance No. 3248.

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

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

- *i. **Z96-71** 6461 East Southern Avenue. Site plan review (1± acre). This case involves the development of a Mi Amigo's restaurant. Noel Cordland, owner; Archicon, Inc., applicant - Ordinance No. 3249.

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

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

- *j. **Z96-73** The 200 block of North Extension Road - west side. Rezone from C-2 to R-2 (2.5± acres). This case involves the development of an assisted-living facility. Bob Spears, owner; Craig Angell, applicant - Ordinance No. 3250.

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 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. Review and approval of a Special Use Permit by the Board of Adjustment for an assisted-living facility and parking variance.

- *k. **Z96-74** The northeast corner of South Dobson Road and West Isabella Avenue. Site plan review (2.8 acres). This case involves the development of a two-story hotel. Michael D. Gilmore, Esq., owner; Peter Kerwick, applicant - Ordinance No. 3251.

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. Review and approval by the Planning and Zoning Board and City Council of future development plans for the corner pad site;
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 or at the time of the City's request for dedication, whichever comes first; and
5. Detached signage on Isabella being limited to the criteria used for multi-residence signs and the Dobson Road signage subject to the commercial criteria.

- *l. **Z96-75** The southwest corner of Springwood Boulevard and Lakeview Circle. Rezone from R1-6-DMP to O-S-DMP (1± acre). This case involves the development of a model home sales office for a new master-planned community. Ross Farnsworth, owner; Craig Ahlstrom, applicant - Ordinance No. 3252.

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

1. Compliance with the basic development as shown on the site plan and elevations submitted for a development sales office/homeowners' association administration office, except as noted below; and
2. Compliance with all requirements of the Public Works Department (Engineering and Traffic Engineering, etc.).

- *m. **Z96-76** The 5800 and 5900 blocks of East McKellips Road (behind frontage). Rezone from C-2 to R-2-PAD (5.61 acres). This case involves the expansion of a condominium subdivision. Hughes Development, owner; Standage and Truitt Engineering, Ltd., applicant - Ordinance No. 3253.

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

1. Compliance with the basic development as shown on the preliminary plat 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. Future site plan review through the Planning and Zoning Board and City Council of the remaining C-2 parcels;
6. 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;
7. Notice be provided to future residents that the project is within one mile of Falcon Field Airport; and
8. Noise-attenuation measures be incorporated into the design and construction of the homes to achieve a noise level reduction of 25 decibels.

- *n. **Z96-77** The 3200 and 3300 blocks of East McDowell Road (north side). Rezone from R1-35 to AG (18± acres). This case involves the development of a wholesale plant nursery. Roosevelt Water Conservation District, owner; Desierto Verde, Inc., applicant. **A ¾ VOTE IS REQUIRED TO APPROVE THE APPLICANT'S REQUEST. THE APPLICANT HAS REQUESTED THAT THIS CASE BE WITHDRAWN.**

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

- *o. **Z96-78** The northeast corner of West Holmes Avenue and South Vineyard. Rezone from C-2 to C-2-BIZ (2.5± acres). This case involves the development of two four-story hotels. Tempe/Mesa Land Investors, Ltd. Partnership, owner; John Rooze, applicant – Ordinance No. 3254.

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. Compliance with all requirements of the Design Review Board; and
4. Enhanced vegetation (same quantity of trees and shrubs as current Code requirements) being provided adjacent to the street frontage and interior property lines.

*p. **Z96-79** The 3900 block of North Higley Road (east side). Rezone from R1-90 to M-1 (3± acres). This case involves the development of a cabinet shop. Burdette Cabinet Co., Inc., owner; Dieterich Architectural Group, Inc., applicant - Ordinance No. 3255.

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 application for a building permit or at the time of the City's request for dedication whichever comes first;
4. 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;
5. Compliance with the design guidelines, subject to staff approval; and
6. Compliance with the proposed restrictions submitted by the applicant as follows:
 - a. All access to be from Higley Road only.
 - b. Limited noise hours - no earlier than 6:00 a.m. and no later than 7:00 p.m.
 - c. Dust control - blacktop on all areas used by any motor-propelled vehicle.
 - d. All outside lights facing down and inward toward said property.
 - e. Height restrictions - nothing over two (2) stories high or over fifty feet (50').

*q. **Z96-80** 6353 East Southern Avenue. Site plan review (1± acres). This case involves the development of a restaurant pad building. Dennis Cavanaugh, owner; Dean Jensen Construction Company, applicant - Ordinance No. 3256.

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 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. Recordation of cross-access and reciprocal parking easements.

*r. **Z96-81** The 7400 block of East Saddleback Street - Parcel 14 of "Las Sendas" (14.54 acres). Rezone from R1-90-DMP (conceptual R1-7-PAD) to R1-9-PAD-DMP. This

case involves the development of a 34-lot single-residence subdivision. C.R.M. Holdings, L.L.C., owner; Sonoran Land Group, applicant - Ordinance No. 3257.

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

1. Compliance with the basic development as shown on the preliminary plat submitted, except as noted below;
2. Compliance with all applicable City development codes and regulations;
3. Compliance with all requirements of the Public Works Department (Engineering and Traffic Engineering, etc.);
4. Dedicate the right-of-way required under the Mesa City Code at the time of recordation of the subdivision plat or at the time of the City's request for dedication, whichever comes first;
5. All street improvements and perimeter landscaping to be installed in the first phase of construction; and
6. Compliance with all requirements of the Subdivision Technical Review Committee.

- *s. **Z96-82** The 6700 block of East Southern Avenue (south side). Site Plan Review (2± acres). This case involves the development of two retail buildings. Paul Holland, owner; Richard Butler; applicant - Ordinance No. 3258.

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. Compliance with all land split requirements of the Subdivision Regulations;
4. Recordation of cross-access and reciprocal parking easements; and
5. Compliance with all requirements of the Design Review Board.

- *t. **Z96-83** 3818 through 3856 East Baseline Road. Rezone from O-S to O-S-PAD (4.6 acres). This case involves the development of a medical and office complex. Dr. Jeff Mix, owner; Daniel Brock applicant - Ordinance No. 3259.

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

1. Compliance with the basic development as shown on the preliminary plat, site plan, and elevations submitted, except as noted below;
2. Review and approval by the Design Review Board of future development plans;
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; and
8. Buildings along the north property line to be restricted to one story.

- u. **Z96-84** The 2200 block of North Val Vista Drive (west side). Rezone from R1-35 to R1-35-PAD (19.8 acres). This case involves the development of a single-residence subdivision. Avalon Grove L.L.C., owner; Todd Tucker, applicant.

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 preliminary plat submitted, except as noted below;
2. Compliance with all City development codes and regulations;
3. Compliance with all requirements of the Public Works Department (Engineering and Traffic Engineering, etc.);
4. 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. 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. 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;
8. Notice be provided to future residents that the project is within one mile of Falcon Field Airport;
9. Noise-attenuation measures be incorporated into the design and construction of the homes to achieve a noise level reduction to 40 Ldn;
10. Retain at least one row of citrus along the Val Vista frontage outside the wall and along the subdivision entry drive; and
11. Review and approval of final amenities by City staff.

Ralph Pew, 40 North Center, representing the applicant, noted the recent opposition to the rezoning and requested that the case be continued to the November 4, 1996 Regular Council Meeting to allow further discussion with neighbors.

It was moved by Vice Mayor Gilbert, seconded by Councilmember Stapley, that this matter be continued to the November 4, 1996 Regular Council Meeting.

Carried unanimously.

- v. **Z96-85** The northwest corner of Pueblo Avenue and Crismon Road. Rezone from R1-43 to R1-6-PAD (17.15 acres). This case involves the development of a single-residence subdivision. Noretta Williams Trust, owner; Metropolitan Land Co., applicant.

P&Z Recommendation: Approval with conditions (vote 4-3).

1. Compliance with the basic development as described in the project description and as shown on the preliminary plat 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; and
5. Air conditioning units to be ground-mounted, all roofing to be tile, and compliance with residential diversity stipulations as described by the applicant; no two similar elevations to be adjacent to each other; a variety of housing and tile colors to be provided; and variation in front yard setbacks.

Bill Milne, Metropolitan Land Company, 4647 North 32nd Street, Phoenix, applicant, displayed sketches and reviewed surrounding land uses. Mr. Milne described the proposed development and stated that the recommendations stipulated by the Planning and Zoning Board are acceptable.

Vice Mayor Gilbert expressed concern pertaining to the minimal size of the product line and questioned the impact of establishing minimum home sizes.

Mr. Milne indicated that his company is the lot developer but stated the opinion that minimum home sizes would present problems for the home builder (Hancock Homes). Mr. Milne commented that the proposal provides for affordable, attractive homes and stated that it would be difficult from the exterior to differentiate between a home that is 800 S.F. and one that is 1,000 S.F. Mr. Milne advised that the project will include homes priced from approximately \$75,000 to \$90,000.

Mr. Milne responded to questions from Vice Mayor Gilbert regarding proposed amenities.

Vice Mayor Gilbert commented that the project should be considered in relation to potential future development. Vice Mayor Gilbert reiterated his concerns relative to the home and lot sizes. Vice Mayor Gilbert said that he will not vote in favor of the case if provisions for minimal home/lot sizes are not included.

Lew Campbell, 9828 East Pueblo, representing residents of the adjacent Rancho Reata Mobile Home Park, stated concerns regarding construction time, density of homes, and flooding/drainage. Mr. Campbell distributed pictures of the neighborhood to Council and requested that if the project is approved, an 8' wall be built between the properties prior to the beginning of construction.

It was moved by Vice Mayor Gilbert, seconded by Councilmember Kavanaugh, that the zoning change be denied.

Carried unanimously.

13. Consider the following subdivision plats:

- *a. "Sirrinc Estates" - The 1900 block of North Home (west side); 31 R1-6 single-residence lots (7.4 acres). Edward Probyn James and Associates, developer; Allen Consulting Engineers, Inc., engineer.

- *b. "Highgrove Estates" - The 4100 block of East McLellan Road (north side); 20 R1-35-PAD single-residence lots (20 acres). UTAZ Investments, L.L.C., developer; ACE Engineering, Inc., engineer.

14. Items from citizens present (maximum of three speakers for five minutes per speaker).

David Nielsen, 1841 East Hackamore, spoke concerning the purported detrimental economic impacts of Proposition 200. Dr. Nielsen stated that studies of communities with similar measures reveal that: a) the initial impression is always negative; b) initial reports to Council claim economic hardship, c) the alleged economic downturn is always proven fallacious, and d) many business owners who initially oppose the measure modify their opinion and subsequently support the proposition.

Dr. Nielsen advocated a one-year, independent study of the effects of Proposition 200 that provides a comparison to several previous years rather than one prior year.

Cliff Harris, 512 Mesa Vista Lane, noted the importance of Proposition 200 as a health initiative and preventive measure. Dr. Harris provided statistics pertaining to the effects of primary and secondhand smoke.

Mayor Brown thanked the speakers for their comments.

15. Adjournment.

It was moved by Councilmember Stapley, seconded by Vice Mayor Gilbert, that the Regular Council Meeting adjourn at 7:11 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 21st day of October 1996. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 6th day of November 1996

BARBARA JONES, CITY CLERK