

COUNCIL MINUTES

February 5, 1996

The City Council of the City of Mesa met in a Regular Session in the Council Chambers, 57 East 1st Street, on Monday, February 5, 1996 at 5:30 P.M.

COUNCIL PRESENT

Mayor Willie Wong
Jerry Boyd
Pat Gilbert
T. Farrell Jensen
Dale Johnson
Joan Payne
Jim Stapley

COUNCIL ABSENT

None

POLICE OFFICER

Vitale Sessions

OFFICERS PRESENT

C.K. Luster
Neal Beets
Barbara Jones

The Invocation was given by Pastor Betty Wiersig, Faith Victory Fellowship.

The Pledge of Allegiance was led by Drew Stuart, Troop 152.

1. Approval of minutes of previous meetings as written.

It was moved by Vice Mayor Jensen, seconded by Councilmember Boyd, that the minutes of January 19 and 22, 1996 be approved.

Carried unanimously.

1.1 Chief Jarvie to give a report concerning awards given at the recent Police Department awards ceremony.

Police Chief Lars Jarvie advised that the recent annual Police Department awards ceremony, the following police officers were honored: Officer James Pepper, Medal of Valor; Officers Christopher Knight and Harry Atkins, Medals of Honor; and Officer Frank Torres, Employee of the Year (1995). Chief Jarvie introduced the officers to the audience and provided brief details relative to the officers' outstanding performances.

Chief Jarvie highlighted additional awards presented to members of the Mesa Police Department and congratulated the recipients on their accomplishments.

Mayor Wong commended the officers and the Mesa Police Department for their efforts to enhance the safety of the City of Mesa.

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 or a citizen present. All items identified in these minutes with an asterisk (*) were approved with one Council action.

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

Carried unanimously.

3. Acknowledge receipt of minutes and meetings of various boards and committees and consider action where appropriate.

*a. Economic Development Advisory Board meetings - January 18, 1996.

*b. Museum & Cultural Advisory Board meeting - January 23, 1996.

Recommend a \$500 mini grant be approved for the Mesa United Way.

It was moved by Vice Mayor Jensen, seconded by Councilmember Boyd, that the recommendation of staff be accepted.

Upon tabulation of votes, it showed:

AYES - Wong-Boyd-Gilbert-Jensen-Johnson-Payne

NAYS - Stapley

Mayor Wong declared the motion carried by majority vote.

c. Redevelopment Committee meeting - January 23, 1996.

Recommend to continue discussions relative to the consideration of the nomination of Glenwood Tract/Wilbur Street Historic District for a period of 90 days.

The following citizens spoke in support of proceeding immediately with the nomination of the Glenwood Tract/Wilbur Street Historic District:

| | |
|----------------------|-------------------------|
| Priscilla Crosswhite | 141 North Wilbur Street |
| Ron Peters | 2754 East Kael |
| Tiffany Burch | 248 East First Street |
| Cathy Snyder | 123 North Wilbur Street |
| Janice Gennevois | 150 North Wilbur Street |
| Sarah Roundtree | 112 North Pasadena |

Speakers' provided the following justification for proceeding immediately with the proposal: Historical significance of the homes and the importance of improving the aesthetics and values in the area, the fact that the historic designation is a citizen driven grass roots effort supported by a majority number of property owners in the area, and negative impacts on property owners which would result should the designation be delayed.

In response to a request from Vice Mayor Jensen, Community Development Manager Wayne Balmer explained that the proposed 90-day continuation was recommended by the Redevelopment Committee in order to allow additional time to review the Voit Companies' redevelopment proposal and ensure that redevelopment and historic district efforts are compatible and successful. Mr. Balmer noted that Voit Companies' representatives have stated the opinion that the designation of the proposed Historic District would not impede or impact redevelopment plans.

Vice Mayor Jensen stressed the importance of proceeding with the citizen sponsored historic district designation while simultaneously ensuring that adjacent development is compatible with proposed redevelopment plans.

It was moved by Vice Mayor Jensen that discussions relative to the consideration of the nomination of Glenwood Tract/Wilbur Street Historic District be continued for a period of thirty (30) days rather than the previously proposed ninety (90) days.

Councilmember Boyd stated the opinion that the Council should vote on this issue without delay and stressed the importance of supporting the citizens' efforts to improve their area.

It was moved by Councilmember Boyd, seconded by Vice Mayor Jensen, that plans to continue with the nomination of the Glenwood Tract/Wilbur Street Historic District, be approved.

Mayor Wong declared the motion carried unanimously.

Mr. Balmer clarified that the Council has voted to allow the public hearing process on the proposed historic district to proceed and added that within approximately sixty (60) days this issue will again be brought before the Council for official approval of the Historic District designation.

Carried unanimously.

Recommend that Alternative No. 1, the operational procedure for application of the City's construction codes as they apply to existing and/or historical buildings, that would formalize the current process of fair, reasonable and flexible code enforcement, and that would provide a basis for long range consistency regarding code compliance and interpretations, be approved.

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

Carried unanimously.

Recommend that staff negotiate with the Voit Companies to develop a master plan for the Centennial Center/Northeast Quadrant, and that the Voit Companies' representatives work with staff to develop a letter of understanding for review by the Downtown Development Committee and the Redevelopment Committee prior to Council consideration at the February 20, 1996 Regular Council meeting.

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

Carried unanimously.

4. Consider the following liquor license application:

*a. BILL S. MORTON, ADMINISTRATOR

Special Event License application of Bill S. Morton, Administrator, for Confederate Air Force Arizona Wing, a one-day civic event to be held Saturday, March 16, 1996, from 5:00 p.m. to 12:00 Midnight, at 2017 N. Greenfield Rd., Falcon Field Airport.

*b. JASON B. MORRIS, AGENT

Person and location transfer Beer and Wine Bar License for Mesa Marketplace Swap Meet, 10550 E. Baseline Road. This transfer is from Sandra Floyd, Etal, Lariat Food & Spirits, 315 E. Southern Avenue, Suite 103, Mesa, to Jason B. Morris, Agent, 10550 E. Baseline Road, Mesa.

*c. VASILIOUS ROUSSIS, AGENT

Person transfer Beer and Wine Bar License for Apache Wells Community Restaurant, 5601 E. Hermosa Vista Drive. This transfer is from Catherine F. Langan, Agent, KMA Investments, Inc. to Vasilius Roussis, Agent, MSR Restaurant, Inc.

*d. VASILIOUS ROUSSIS, AGENT

New Restaurant License for Apache Wells Community Restaurant, 5601 E. Hermosa Vista Drive. The license previously held at this location by Catherine F. Langan, Agent, KMA Investments, Inc., will revert back to the State.

*e. MICHAEL L. MONTI, AGENT

New Restaurant License for Slim & Curly's, 1644 S. Dobson Road. The license previously held at this location by Lee Cohn, Agent, Big 4 Restaurants, Inc., will revert back to the State.

*f. CAROL JEAN FAJARDO, STEWARDSHIP COORDINATOR

Special Event License application of Carol Jean Fajardo, Stewardship Coordinator, for Christ the King Catholic Church, a one-day religious event to be held Saturday, February 10, 1996, from 5:00 p.m. to 10:00 p.m., at 1551 East Dana Avenue, Christ the King Catholic Church.

5. Consider the following contracts:

- *a. One-year renewal of the annual supply contract for repair clamps in warehouse inventory to be used by the Utility Construction Division to repair water and gas pipes.

The Purchasing Division recommends exercising the first of two one-year renewal options with the original low bidder, Arizona Water Works Supply at \$17,671.67 plus 6.95% sales tax of \$1,228.18 for a total award of \$18,899.85 based on estimated requirements.

- *b. Annual supply contract for automotive and industrial chemicals to be used by the Fleet Support Services Division. These chemicals include cleaners and degreasers that are used for preventative maintenance and repair of vehicles.

The Purchasing Division recommends accepting the lowest overall bid by Automotive Sales Company for annual purchases estimated at \$12,000.00.

- *c. Five mower reels for use with the JD3365 Professional Turf Mower as requested by the Parks Maintenance and Development Division.

The Purchasing Division recommends accepting the low bid by Arizona Machinery Company of Chandler, Arizona at \$11,150.00 plus 7.25% sales tax of \$808.37 for a total of \$11,958.37.

- d. City Well No. 25.

This project will drill a potable water well at North Alma School Road and West 6th Street.

Recommend award to low bidder, Beylik Drilling, in the amount of \$336,220.00.

Bill Brando, 61 South Macdonald, requested additional information relative to this agenda item. Public Works Manager Harry Kent advised that wells are added by the City on an ongoing basis in order to meet increased requirements.

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

Carried unanimously.

*e. Mesa Cemetery Road Improvements.

This project is the current phase of an overall Cemetery road improvement program which will reconstruct and widen the existing roadway to improve patron access on 3rd Street and "C" Street in the Mesa Cemetery.

Recommend award to low bidder, J.A. Johnson Contracting Co., Inc., in the amount of \$66,349.50.

*f. West 13th Place Improvements.

This project will improve the south half of 13th Street from Country Club Drive to 500 feet east, including paving, curb and gutter, sidewalk and street lights. This section of 13th Street is adjacent to City owned property that will be a future extension of the City Cemetery.

Recommend award to low bidder, Jerry Everett Construction Co., Inc., in the amount of \$27,492.08.

*g. Deleted.

6. Introduction of the following ordinance and setting February 20, 1996, as the date for the public hearing on these ordinances.

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

*a. **Z96-1** 6745 East Superstition Springs Boulevard. Rezone from R-3-DMP to R-3-DMP-PAD (14.12 acres). This case involves the conversion of a 240 unit apartment complex to condominiums. Mark Taylor Builders, owner; Ed Bull, applicant.

*b. **Z96-2** The west side of South 70th Street approximately 200 feet north of Broadway Road. Rezone from C-2 and R-4-PAD to R-2-PAD and modification of an existing R-4 PAD (7.15 acres). This case involves the development of a patio home condominium subdivision containing 59 units. Ron McRae Group, owner; Ray Miller, applicant.

- *c. **Z96-5** 6704 East Brown Road. Rezone from R1-9 to O-S (.9 acre). This case involves development of a veterinary clinic. Neil P. Farrington, owner/applicant.
- *d. **Z96-6** 536 North Country Club Drive. Site Plan Modification (1± acre). This case involves the development of an auto service facility. Shults Insurance & Investment Co., owner/applicant.
- *e. **Z96-8** The 5400 through 5800 blocks of East Southern Avenue - south side. Rezone from R1-9 and R1-15 to R1-9-PAD and R-3 (160± acres). This case involves the development of a single residence community with 430± lots and a 300± unit apartment complex. LKY Development and Ralph Dutton, owners; Fulton Homes, applicant.

7. Consider the following resolutions:

- *a. Setting the time for Hearing on assessments for sanitary sewer improvements along portions of East Emerald Avenue, from South 24th Street to South 26th Street Resolution No. 6874.
- *b. Authorizing the City Manager to execute an Intergovernmental Agreement on behalf of the City of Mesa with the State of Arizona Department of Transportation for the Bridge Scour Evaluation and Analysis Study -Resolution No. 6875.
- *c. Supporting the application of HFM, Inc. to the Maricopa Home Consortium for funding through the Federal Home Investment Partnerships CHDO Program - Resolution No. 6876.

8. Consider the following ordinances:

- a. Amending Section 11-1-6 by creating a definition of "halfway house," and amending the definitions of, "boarding house" and "social service facility"; amending Section 11-5-3 pertaining to uses subject to a Council Use Permit in the R-4 district; amending Section 11-8-4(C) pertaining to uses subject to Council Use Permit in the TCB-1 district; amending Section 11-13-2(R) pertaining to group homes for the handicapped - Ordinance No. 3140.

Frank Bennett, 101 East 1st Avenue, spoke in opposition to the adoption of the ordinance. Mr. Bennett expressed the opinion that the proposed ordinance does not address major issues and is vague in content.

Ed Burns, 58 West Main Street, President of the Mesa Town Center Corporation (MTCC), advised that the MTCC unanimously recommends that the Council adopt the Council Use Permit requirement as it pertains to halfway houses and requested that licensing procedures be initiated for existing halfway houses.

Rein von Kempen, 454 East 1st Avenue, stated that he supports the proposed ordinance and expressed the opinion that the proposal will provide additional protection for neighborhoods.

Carl Rogers, 318 South Pioneer, presented the Council with petitions signed by 200 concerned citizens who oppose the proliferation of halfway houses within the City of Mesa. Mr. Rogers expressed concerns relative to neighborhood safety, and property values and added that should the Council adopt the ordinance, existing halfway houses should be required to abide by the regulations. Mr. Rogers recommended that the Council adopt stringent licensing/zoning criteria relative to the establishment and maintenance of halfway houses.

Walt McIver, 440 East 1st Avenue, stressed the importance of improving neighborhood aesthetics and values and said that he supports the licensing of halfway houses in the City of Mesa. Mr. McIver concurred with the previous speaker's remarks relative to initiating stringent licensing/zoning regulations for halfway houses.

May Miltenberger, 233 South Udall, expressed concerns relative to the number of halfway houses in existence within the City. Ms. Miltenberger spoke in support of the proposed regulations and added that existing halfway houses should be subject to the criteria contained in the proposed ordinance.

Debbie Schiller, representing Residential Recovery Association, indicated that her organization supports regulations but opposes the currently proposed ordinance. Ms. Schiller stated the opinion that the ordinance does not contain a sufficient definition of halfway houses.

In response to a request from Mayor Wong, Community Development Manager Wayne Balmer provided a brief synopsis of the proposed ordinance. Mr. Balmer explained that the proposal requires the issuance of a Special Use Permit by the Council prior to the establishment of a halfway house within the City of Mesa.

Discussion ensued relative to the importance of defining the term "halfway houses," the fact that boarding houses would remain unchanged, proposed zoning for halfway house locations, criteria which must be met for approval, 'grandfathering' of existing halfway houses and the future establishment of licensing requirements.

Patricia Henderson, Founder and Director of Women/New Recovery, informed the Council that her organization has concerns relative to the proposed definition of halfway houses. Ms. Henderson stated the opinion that the definition of halfway houses should be expanded.

Sylvia Garcia, 1312 South Hardy, advised that she is speaking as a parent, single mother, and professional, discussed the assistance she personally received from facilities which offer treatment for addictions and stressed the importance of such establishments within the City of Mesa.

Bernard Butts, 321 South Allen Street, indicated that he is the operator of a halfway house. Mr. Butts stated the opinion that regulations should be enacted but requested that additional analysis occur prior to adoption.

Zack Taylor, 143 South Center Street, spoke in opposition to the proposed ordinance. Mr. Taylor advised that he is the operator of a halfway house and added that the facility is licensed

by the State and follows all established rules and guidelines. Mr. Taylor said that he would support regulations but not the criteria contained in the proposed ordinance.

Gail Hink, 540 West 1st Street, discussed the assistance she received at a halfway house and encouraged the Council to investigate this issue further before adopting regulations.

Julianne Miller, 459 South Pioneer, advised that she is a teacher at Mesa Junior High School. Ms. Miller questioned the appropriateness of allowing a large number of halfway houses to operate within close proximity to Mesa Junior High School. Ms. Miller spoke in support of licensing the various facilities and urged the Council to limit the number of facilities within the City.

Mayor Wong thanked the speakers for their input.

Councilmember Stapley expressed the opinion that the proposed ordinance will halt the proliferation of halfway houses. Councilmember Stapley added that the proposal provides control measures and said that additional issues, such as existing halfway houses, will need to be addressed in the future.

Discussion ensued relative to pending legislation regarding community notification of sexual offenders, the fact that the Police Department supports the need for halfway houses in the City and advocates the adoption of licensing/regulations, zoning, minimum spacing requirements, establishments not addressed in the ordinance and the fact that this issue would be further addressed in the future.

Vice Mayor Jensen stated that many valuable services are provided by halfway houses and expressed concern relative to locating halfway houses in older, deteriorating neighborhoods. Vice Mayor Jensen added that the proposed ordinance will provide necessary controls but concurred that additional concerns must be addressed. Vice Mayor Jensen recommended that a citizen board be appointed, comprised of members of the halfway house association, a licensed practitioner, citizens and individuals with expertise in this area in order to provide the Council with direction regarding halfway houses. Vice Mayor Jensen added that the board would be responsible for reviewing halfway house applications prior to Council consideration.

In response to a request from Mayor Wong, Community Development Manager Wayne Balmer briefly highlighted the four primary elements of the draft ordinance as follows: (1) A new definition of "halfway house" narrowly focused to address the issues of criminal incarceration and substance abuse while exempting emergency shelters and crisis facilities; (2) a revised definition of "Social Service Facility" that now includes halfway houses. All social service facilities require a Council Use Permit; (3) permitted uses in Chapters 5 and 8 are amended to allow halfway houses in the R-4 and TCB-1 districts with a Council Use Permit; and (4) general provisions regarding group homes for the handicapped are amended to require a separation of 1200 feet between such homes in the multiple residence districts as well as the single residence districts.

It was moved by Councilmember Boyd, seconded by Councilmember Stapley, that Ordinance No. 3140 be adopted.

Councilmember Boyd stated the opinion that the proposed ordinance will positively benefit the citizens of Mesa and added that staff will work with the various organizations to develop guidelines for future regulations.

Councilmember Gilbert indicated that he would support the motion and pledged his commitment to continue to address this matter.

Vice Mayor Jensen concurred that this issue will require continual input and analysis. Vice Mayor Jensen added that he would support the adoption of the proposed ordinance as an initial step in addressing this subject and reiterated his recommendation that a citizen board be appointed to provide recommendations to the Council.

Carried unanimously.

9. Consider the following case from the Planning and Zoning Board and possible adoption of the corresponding ordinance:

- a. **Z95-114** The 6500 and 6600 blocks of East Delmon Drive. Rezone from R1-9 to R1-7 (4.165 acres). This case involves the development of a 20 lot single residence conventional subdivision. East Valley Free Will Baptist Church, owner;

Jack Anderson, applicant. **CONTINUED FROM THE JANUARY 22, 1996 CITY COUNCIL MEETING. THE APPLICANT HAS REQUESTED THIS CASE BE WITHDRAWN.**

Mayor Wong noted that the applicant has requested that the application be withdrawn, and therefore no action is required by the Council on this matter.

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

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. 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; and
5. Compliance with all requirements of the Subdivision Technical Review Committee.

(Mayor Wong declared a recess at 8:40 p.m. and the meeting reconvened at 8:45 p.m.)

10. Consider that a traffic control program utilizing photo radar be implemented.

Steve Bacs, 6563 East Presidio Street, representing the National Motorists Association, questioned whether the Council would vote on the issue of photo radar at this meeting.

Vice Mayor Jensen informed Mr. Bacs that a public hearing to address the proposed utilization of photo radar will be held at the February 20, 1996 Regular Council Meeting.

Mr. Bacs indicated that he will reserve his comments until the February 20, 1996 public hearing.

11. Consider the following subdivision plats:

*a. "VISTA MONTANA" - The 3000 block of North Power Road (west side), 33 R1-6 DMP single residence lots (9.98 acres). Lennar Communities Development, Inc., developer; Clouse Engineering, Inc., engineer.

*b. "CORONA DEL MONTE" - The 6600 block of East McDowell Road (north side), 52 R1-6 DMP single residence lots (15.21 acres). Lennar Communities Development, Inc., developer; Clouse Engineering, Inc., engineer.

12. Adjournment.

It was moved by Vice Mayor Jensen, seconded by Councilmember Boyd, that the meeting adjourn at 8:50 p.m.

Carried unanimously.

WILLIE WONG, MAYOR

ATTEST:

BARBARA JONES, CITY CLERK

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I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the Regular Meeting of the City Council of Mesa, Arizona, held on the 5th day of February, 1996. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 23rd day of February 1996

BARBARA JONES, CITY CLERK