

COUNCIL MINUTES

May 20, 1996

The City Council of the City of Mesa met in a Regular Session in the Council Chambers, 57 East 1st Street, on May 20, 1996 at 5:40 P.M.

COUNCIL PRESENT

Mayor Willie Wong
Jerry Boyd
Pat Gilbert
Dale Johnson
Joan Payne
Jim Stapley

COUNCIL ABSENT

T. Farrell Jensen

POLICE OFFICERS PRESENT

Frank Costantini
James Garber

OFFICERS PRESENT

C.K. Luster
Neal Beets
Barbara Jones

Mayor Wong excused Vice Mayor Jensen from the meeting.

The Invocation was given by Reverend James E. Brockmann, St. Luke's Church.

The Pledge of Allegiance was led by Alan Guthrie, Troop #535.

1. Approval of minutes of previous meetings as written.

It was moved by Councilmember Stapley, seconded by Councilmember Boyd, that the minutes of April 26 and May 2, 3, and 6, 1996 be approved.

Mayor Wong declared the motion carried unanimously by those present.

2. Consider all consent agenda items.

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

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

Mayor Wong declared the motion carried unanimously by those present.

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

- *a. Adjustment Board meeting - May 7, 1996.
- *b. Crime Prevention Advisory Board meeting - May 15, 1996.
- *c. Downtown Development Committee meeting - May 9, 1996.
- *d. Joint Utility/Finance Committee meeting - May 16, 1996.

Consider an on site lease agreement with Arizona Catering for the Mesa Community and Conference Center.

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

Mayor Wong declared the motion carried unanimously by those present.

- *e. Library Advisory Board meeting - May 7, 1996.
- *f. Parks & Recreation Board meeting - May 9, 1996.

Recommend approval of the resolution to comply with the requirements for submitting a grant application to help fund the development of Harmony Park.

Recommend that fees charged for all golf tournaments at Dobson Ranch Golf Course remain at the current level, based on the approved seasonal fee schedule.

Recommend the formula developed by staff be implemented to accommodate as many Dobson Ranch Golf Association and general public players as possible, while maintaining a balance between the two groups.

Recommend the City exercise its option to extend the existing golf professional concession agreement at Riverview Golf Course with James E. Mooney for the second additional one-year extension, beginning September 1, 1996 and terminating on August 31, 1997.

It was moved by Councilmember Stapley, seconded by Councilmember Gilbert, that the recommendations of staff be approved.

Mayor Wong declared the motion carried unanimously by those present.

- *g. Transportation Committee meeting - May 15, 1996.

4. Consider the following liquor license applications:

*a. RIAD F. KHALED, AGENT

New Beer and Wine Store License for Texaco Star Mart, 1821 S. Country Club Drive. This is a new business, currently there are no liquor licenses at this location.

*b. RANDY D. NATIONS, AGENT

New Restaurant License for Chevys Mexican Restaurant, 1335 S. Alma School Road. No change in ownership, failure to file corporation financial papers as required resulted in a requirement to reapply.

5. Consider the following contracts:

a. Computer Aided Dispatch System for the Police and Fire Public Safety Departments as requested by the Information Services Division.

The Purchasing Division endorses the unanimous recommendation of the Evaluation Team - to accept the proposal from PSI International for a Computer Aided Dispatch System. The recommendation includes an award to PSI International for \$3,871,790, plus use tax of \$115,465.40 for a total of \$3,987,255.40, to Motorola for \$1,789,738, plus sales tax of \$126,176.53 for a total of \$1,915,914.53, to Trimble for \$502,125, plus use tax of \$25,106.25 for a total of \$527,231.25, and to Mobil Data Communications Corporation (MDC) for \$2,270,675, plus sales tax of \$160,082.59 for a total of \$2,430,757.59. The resulting cost of the recommended system is therefore \$8,861,158.77.

Mr. Paul Wormeh, the Director of Public Safety Programs for PSI International, the recommended bidder, expressed his appreciation to the Council for the opportunity to work with the City of Mesa.

In response to a question from Councilmember Gilbert, Purchasing Administrator Sharon Seekins provided the Council with additional information relative to the proposed contract.

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

Councilmember Gilbert extended his appreciation to the members of staff who participated in the evaluation and selection of the equipment.

Mayor Wong declared the motion carried unanimously by those present.

*b. Annual supply contract for drafting print paper for the Engineering Division.

The Purchasing Division recommends accepting the following low bids:

Section A, B & D to Oce-Imaging Supplies at \$58,121.65 plus 6.95% use tax of \$4,039.45 for a total of \$62,161.10 based on estimated requirements.

Section C to Xerox at \$29,982.55 plus 5% sales tax of \$1,499.12 for a total of \$31,481.67 based on estimated requirements.

The combined award is \$93,642.77 based on estimated requirements.

- *c. One-year renewal of the annual supply contract for landscape sprinkler parts and related supplies for warehouse inventory to be used by the Parks and Recreation, Building & Grounds Maintenance and Streets Maintenance Divisions.

The Purchasing Division recommends exercising the first of two one-year renewal options with the primary contracts as outlined below:

Mesa Sprinkler - Sections I-A, I-C, I-D, II-A, II-C, II-E and II-I for annual purchases estimated at \$82,916.52 plus 5.75% sales tax of \$4,767.69 for a total of \$87,684.21; Sprinkler World - Sections I-B, II-B, II-D, II-F, II-G, II-H, II-J, II-K, and II-M for annual purchases estimated at \$10,154.83 plus 7.05% sales tax of \$715.92 for a total of \$10,870.75; and

Simpson Norton - Section II-L for annual purchases estimated at \$6,495.78 plus 7.75% sales tax of \$503.42 for a total of \$6,999.20.

The combined award is then \$105,554.16 based on estimated requirements.

- *d. One solid phase extraction instrument to be used in the toxicology section of the crime lab for the analysis of drugs in urine and blood as requested by the Police Department.

The Purchasing Division recommends accepting the low bid meeting specification by Zymark Corp. at \$34,800.00 plus 5.0% sales tax of \$1,745.00 for a total of \$36,645.00.

- *e. Hermosa Vista Park

This project will install a new picnic Ramadan, area lighting, parking area, children's play area and play equipment at Hermosa Vista Park located at North Lindsay Road and East Leonara Street.

Recommend award to low bidder, Nickle Contracting L.L.C., in the amount of \$235,272.60.

- *f. City Courts North Parking Lot Improvements.

This project will enlarge the existing parking lot to provide an additional 22 parking spaces, construct a masonry screen wall, and landscaping modifications at the Mesa City Courts Building, 245 West 2nd Street.

Recommend award to low bidder, M & S Paving Construction Company, Inc., in the amount of \$44,056.00.

- *g. 36" Reclaimed Water Line Along Red Mountain Freeway, Dobson Road to McKellips Road.

This project will install a portion of a reclaimed water line from the Northwest Reclamation Plant to future recharge sites and provide reclaimed water for the future landscaping along the Red Mountain Freeway. This project needs to be completed prior to ADOT's freeway construction project between Dobson Road and McKellips.

Recommend award to low bidder, T & T Construction, Inc., in the amount of \$1,245,375.00.

- *h. Falcon Field Airport Seal Coating for F.Y. 95/96.

This project will install crack sealing and an asphalt preservation seal for the runway and T-hanger areas at Falcon Field Airport.

Recommend award to low bidder, Sahuaro Surfacing, Inc., in the amount of \$124,600.40.

6. Consider the following ordinances:

- *a. Prohibiting parking on the east side of Pew from Main Street to a point 50 feet north of Main Street, and on the east side of Westwood from Eighth Avenue to a point 440 feet north of Eighth Avenue; removing the parking prohibition on Hermosa Vista Drive from 24th Street to Lindsay Road; and reducing the speed limit from 30 mph to 25 mph on Hermosa Vista Drive from Gilbert Road to Lindsay Road, all as recommended by the Traffic Safety Committee - Ordinance No. 3173.
- *b. Relating to the Mesa Personnel Rules; amending Section 410 pertaining to absence from work; amending Section 431 pertaining to vacation leave; amending Section 432 pertaining to sick leave; amending Section 830 pertaining to demotions; amending Section 930 pertaining to dismissal; and repealing conflicting ordinances all as recommended by the Merit System Board - Ordinance No. 3174.
- *c. Pertaining to the City Transient Occupancy Tax; repealing Title 5, Chapter 18 of the Mesa City Code, and amending Sections 5-10-447 and 5-10-447.1 of the Mesa City Code pertaining to the Transactions Privilege Tax and exclusions thereto, and providing penalties for the violation thereof - Ordinance No. 3175.
- *d. Granting to Air Products and Chemicals, Inc., a nonexclusive license for conveyance of nitrogen gas through pipelines under, along and across public streets and places in the City of Mesa - Ordinance No. 3176.
- e. Relating to bathhouses, massage parlors and therapy centers; repealing Chapter 12 of Title 5 of the Mesa City Code, adopting a new Chapter 12 of Title 5 pertaining to

massage therapists, massage establishments and off-premises massage; providing for applicability and an effective date; and establishing penalties for violations - Ordinance No. 3184.

Mel Johnson, 101 East 1st Avenue, representing Johnson Therapeutic Massage, spoke in opposition to the proposed changes. Mr. Johnson stated the opinion that the proposed fee increases are excessive and requested that the Council not support the recommended fees.

Kathy Keller, 40 North Macdonald, recommended that the required training hours be reduced to 200 rather than the proposed 500 and added the opinion that renewal fees should also be reduced.

Dr. Phil Van Allsburg, 4323 East Broadway, representing Van Allsburg Chiropractic, concurred with the previous speaker's remarks relative to required hours of training. Dr. Van Allsburg urged the Council not to approve the proposed fee increases.

Becky Auldridge, 5135 East Downing, spoke in opposition to the proposed changes and requested that the Council support business owners in Mesa.

Eleanor Johnston, 101 East Franklin, expressed the opinion that the proposed fee increases and requirements should pertain to new licensees only. Ms. Johnson urged the Council to 'grandfather' current massage establishments and allow them to operate according to current rather than proposed regulations and fees.

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

Councilmember Boyd noted that this issue has been before the Council for consideration several times in the past and stressed the importance of adopting updated regulations and fees.

Mayor Wong stated that he would not support the motion and expressed the opinion that the proposed fees would negatively impact involved business owners. Mayor Wong also indicated his preference that the required training be limited to 200 rather than the proposed 500 hours.

Upon tabulation of votes, it showed:

AYES - Boyd-Gilbert-Johnson-Stapley
NAYS - Wong-Payne
ABSENT - Jensen

Mayor Wong declared the motion carried by majority vote of the Council present and Ordinance No. 3184 adopted.

7. Consider the following resolutions:

- *a. Authorizing the City Manager to enter into an Intergovernmental Agreement with the Maricopa County Free Library District renewing the Mesa Public Library's participation

in the District's Reciprocal Borrowing Program for Fiscal Year 1996/97 - Resolution No. 6907.

- *b. Vacating an alley right-of-way at 67th Street and Brown Road, adjacent to lots 10, 11 and 12 of Granite Reef Estates - Resolution No. 6908.

Adjacent property owners have requested the alley be vacated

- *c. Authorizing the submission of an application with Mercy Housing of Arizona for the 1996 HOME State Housing Trust Fund programs Resolution No. 6909.
- *d. Declaring as a public record that certain document filed with the City Clerk entitled "Historic Homes of Mesa: An Architectural and Preservation Guide" - Resolution No. 6910.
- *e. Approving and authorizing the City Manager to execute an agreement between the Regional Public Transportation Authority and the City of Mesa - Resolution No. 6911.

7.1. Consider entering into an agreement with City Concession Company of Arizona, Inc. , to furnish concession services at Hohokam Stadium for Spring Training and non-Spring Training events.

Bill Brando, 61 South Macdonald, requested information relative to this agenda item. Community Services Manager Wayne Korinek briefly updated Mr. Brando on the Requests for Proposals which were issued relative to this agenda item.

Discussion ensued relative to income generation and distribution.

Mr. Brando expressed the opinion that the proposed agreement is not in the best interest of the City of Mesa.

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

Mayor Wong declared the motion carried unanimously by those present.

7.2. Consider entering into an agreement with the Mesa Sorts Association (Mesa HoHoKams) to provide support services during the Spring Training season at Hohokam Stadium.

Community Services Manager Wayne Korinek responded to questions from Mr. Brando relative to proposed support services. Mr. Brando stated the opinion that the proposed agreement is not in the best interest of the City of Mesa.

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

Mayor Wong declared the motion carried unanimously by those present.

8. Consider the following cases from the Downtown Development Committee and adoption of the corresponding Ordinances:

- *a. CUP93-1TC 424 West Broadway requesting approval of an Amendment to Ordinance No. 2769 (approved under the subject case) that established the conditions for issuance of a Council Use Permit - Ordinance No. 3177.

Recommendations: The Downtown Development Committee recommends approval of the Ordinance amendment as written (Vote: 8-0).

This case involves an amendment to Ordinance No. 2769 establishing a Council Use Permit for a social service facility (Paz de Cristo) in the TCB-2 Zoning District.

- b. HP95-1TC Portion of the 100-200 blocks of North Robson (east side); a portion of the 100-200 blocks of North Macdonald (both sides); a portion of the 100 block of North Center (west side); a portion of the 0-100 blocks of West Second Street (both sides); and a portion of the 100 block of West First Street (north side) from TCR-2, TCR-3, TCB-1, and TCC to TCR-2HP, TCR-3HP, TCB-1HP, and TCC HP (approximately 13.5 acres) - Ordinance No. 3185.

Recommendations: The Downtown Development Committee recommends approval of Case No. HP95-1TC, subject to compliance with the adopted Historic Homes of Mesa Preservation Guidelines (Vote 7-0).

This case involves the adoption of a Historic Preservation Overlay and the designation of Mesa's first local Historic District to be known as West Second Street Historic District. **(A 3/4 vote is required)**

Councilmember Johnson 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 request from Councilmember Gilbert, City Attorney Neal Beets explained the 3/4 vote requirement for approval.

It was moved by Councilmember Gilbert, seconded by Councilmember Stapley, that the recommendation of staff be approved and that Ordinance No. 3185 be adopted.

Upon tabulation of votes, it showed:

- AYES - Wong-Boyd-Gilbert-Payne-Stapley
- NAYS - None
- ABSENT - Jensen
- ABSTAIN - Johnson

Mayor Wong declared the motion carried unanimously by those present and voting and Ordinance No. 3185 adopted.

- c. HP96-1TC Portion of the 100 block of North Pasadena Street (both sides); a portion of the 100 block of North Hibbert Street (both sides); a portion of the 100 block of North Wilbur Street (both sides); and a portion of the 100-200 blocks of East First Street (north side) from TCR-2 to TCR-2HP (approximately 10.05 acres) - Ordinance No. 3186.

Recommendations: The Downtown Development Committee recommends approval of Case No. HP96-1TC, subject to compliance with the adopted Historic Homes of Mesa Preservation Guidelines (Vote 7-0).

This case involves the adoption of a Historic Preservation Overlay and the designation Mesa's second local Historic District to be known as the Glenwood Tract/Wilbur Subdivision Historic District.

Tiffany Burch, 248 East First Street, expressed appreciation to the Council for their support of the historic district proposal.

Cathy Snyder, 123 North Wilbur Street, presented the Council with a letter in support of the proposed historic district designation. Ms. Snyder urged the Council to support the proposal.

Bob Meeks, 138 North Wilbur Street, spoke in favor of the case and expressed appreciation to the Council for their support.

It was moved by Councilmember Gilbert, seconded by Councilmember Boyd, that the recommendation of staff be approved and that Ordinance No. 3186 be adopted.

Mayor Wong declared the motion carried unanimously by those present.

- d. CUP96-1TC Portion of the 100-200 block of East Main Street from TCC to TCC CUP to allow the expansion of an existing vehicle sales operation.

Recommendation: The Downtown Development Committee is recommending approval of Case No. CUP96-1TC, subject to: (1) Full compliance with all current Code requirements unless modified through appropriate review and approval of the variances outlined in the staff report. Final site plans and elevations to be submitted for review and recommendation by the Downtown Development Committee; (2) Numbers and sizes of plant materials to exceed Code requirements in all proposed landscape areas; (3) The submittal of a Special Use Permit application for a Comprehensive Sign Plan to exceed the maximum number and allowable square footage for attached signage in the TCC Zoning District; (4) A location being provided off site and not in the public rights-of-way for the delivery (loading and unloading) of vehicles; (5) Parking for customers and employees being provided on site as required by Code unless an alternate parking arrangement is designated by the applicant and approved by City; (6) Lighting used on the garage structure meeting the City's Night Sky Ordinance and being directed in such a way as not to impact adjoining residential uses; (7) Any loud speakers or other audio

based system used on the site shall not be audible beyond the garage; (8) A design modification to the garage entrance to minimize the occurrences of vehicles obstructing the pedestrian way on the Hibbert side of the project; (9) The applicant submitting, prior to Council action on May 20, 1996, a written "Good Neighbor" policy addressing traffic, safety, noise, and lighting concerns as expressed by surrounding property owners at the DDC public hearing held April 29, 1996; (10) Completion of construction within eighteen (18) months of the issuance of building permits (Vote 5-2 with DDC members Davidson, Hernandez, Pace, Passey, and Thacker voting yes; and members Linoff and Peters voting no).

This case involves a request for approval of a Council Use Permit to allow the expansion of the existing Brown and Brown Chevrolet operation.

Lavonne Lee, 130 East Main Street, informed the Council that she is a resident of the trailer park which will be eliminated should the Council approve the proposal. Ms. Lee requested assurance from the Council that the City will provide relocation assistance to the residents of the park.

City Manager Charles Luster advised that Real Estate Services Director Doug Tessororf will assist the residents with their relocation requirements.

Ms. Lee stated that residents of the trailer park will be financially unable to replace their existing homes and spoke in opposition to approval of the case.

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

Councilmember Payne advised that she would not support the motion and spoke in opposition to the proposal. Councilmember Payne expressed the opinion that the proposal constitutes a violation of property owners' rights.

Upon tabulation of votes, it showed:

AYES - Gilbert-Johnson-Stapley
NAYS - Wong-Boyd-Payne
ABSENT - Jensen

Mayor Wong declared the motion failed.

It was moved by Councilmember Gilbert, seconded by Councilmember Stapley, that this matter be continued to the June 17, 1996, Regular Council Meeting.

Upon tabulation of votes, it showed:

AYES - Boyd-Gilbert-Johnson-Stapley
NAYS - Wong-Payne
ABSENT - Jensen

Mayor Wong declared the motion carried by majority vote of those present.

*9. Consider the following Design Review Board case and possible adoption of the corresponding ordinance:

- *a. **DR96-37** An application for a Council Use Permit pursuant to Section 11-13-2(L) of the City of Mesa Zoning Ordinance to utilize Exterior Building Illumination on a building at 1411 West Broadway Road. This request is by Narooz Limited Partnership for used car and truck sales - Ordinance No. 3178.

Design Review Board Recommendation: Approval with condition. (Vote 6-0).

1. Compliance with the basic development as shown on the plans submitted.

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

- *a. **Z96-14** 502 North Alma School Road. Rezone from R-4 to R-4-PAD (1± acre). This case involves the addition of 16 new condo units as part of an existing project. Mesa Commercial Limited Partnership, owner; Anson L. Call, applicant - Ordinance No. 3179.

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

1. Compliance with the basic development as shown on 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. Dedicate the right-of-way required under the Mesa City Code at the time of application for a building permit, at the time of recordation of the subdivision plat, or at the time of the City's request for dedication whichever comes first; and
 4. Compliance with all requirements of Subdivision Technical Review Committee.
- b. **Z96-20** The 2000 to 2700 blocks of North Ellsworth Road (east to Utery Mountain Recreation Area). Rezone from R1-35-DMP to R1-15-PAD, R1-35 and PF (330± acres). This case involves the development of the Boulder Mountain Highlands residential subdivision. Boulder Mountain Highlands L.P., owner; Pulte Home Corporation, applicant - Ordinance No. 3187.

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

1. Compliance with the basic development as shown on the preliminary plat, elevations, C.C.& R's and project narrative submitted, except as noted below;
2. Review and approval by the Planning and Zoning Board and City Council of future development plans for the R1-35 parcel;
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. Development of one (1) additional home elevation for each model group to reflect Desert Uplands character, subject to staff review prior to approval of final subdivision plat;
7. Provision of active recreational amenities as described in project narrative, subject to staff review; and
8. Review of development potential for northwest R1-35 parcel and deletion of that number of lots from overall DMP residential total.

Ralph Pew, 40 North Center, an attorney representing the applicant, provided the Council with a brief overview of the proposed case.

Discussion ensued relative to open space provisions, set-backs, design features, and the fact that the proposed development has received the support of the Spook Hill Homeowners' Association.

It was moved by Councilmember Boyd, seconded by Councilmember Stapley, that the recommendation of staff be approved and that Ordinance No. 3187 be adopted.

Mayor Wong declared the motion carried unanimously by those present and Ordinance No. 3187 adopted.

(At 7:10 p.m. Mayor Wong declared a recess and the meeting reconvened at 7:26 p.m.)

- *c. **Z96-21** The southwest corner of Southern Avenue and Val Vista Drive. Rezone from C-2 to R-4 (15± acre). This case involves the development of a 240 unit apartment complex. W.C. Dana and Beverly Goebel, owners; Evans Withycombe Residential, applicant - Ordinance No. 3180.

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

1. Compliance with the basic development as shown on the site plan and elevations submitted, except as noted below;
2. Review and approval by the Planning and Zoning Board and City Council of future commercial 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. All street improvements and perimeter landscaping to be installed in the first phase of construction; and
6. Compliance with all requirements of the Design Review Board.

- d. **Z96-22** 2424 East Southern Avenue. Rezone from R1-43 to O-S (2± acres). This case involves the modification of a single residence to a medical-dental office. Franklin Little D.D.S., owner/applicant. **(A 3/4 VOTE IS REQUIRED TO APPROVE THE APPLICANT'S REQUEST.)**

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

1. Compliance with the basic development as shown on 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. Dedicate the right-of-way required under the Mesa City Code at the time of application for a building permit, or at the time of the City's request for dedication whichever comes first;
4. Full compliance with all current Code requirements, unless modified through appropriate review and approval of the variance(s) outlined in the staff report; and
5. Pave west portion of the existing circular gravel drive, from Southern Avenue north to cross-circulation with the new parking area.

Franklin D. Little, 2424 East Southern Avenue, advised that he is the owner of the property under discussion. Mr. Little informed the Council that he has unsuccessfully attempted to rezone the property in the past and urged the Council to approve the current proposal.

Discussion ensued relative to traffic congestion and Mr. Little's opinion that the site is appropriate for the proposed use.

Clarence Freestone, 2500 East Southern Avenue, discussed the fact that construction of his office is currently underway in the area and stated the opinion that the proposed use of Dr. Little's property is appropriate for the property.

Linda Porter, 2340 East Flossmore Circle, informed the Council that she has been a homeowner in the area under discussion for approximately thirteen years. Ms. Porter stressed the importance of allowing residential zoning to remain and spoke in opposition to approval of the case.

Discussion ensued relative to traffic and safety concerns, negative impacts on property values, crime, noise levels, and alternative sites.

Ms. Porter urged the Council to deny the applicant's request for rezoning and submitted a petition signed by residents in the neighborhood in opposition to the case.

Ed Cockrell, 2349 East Farmdale Circle, expressed concerns relative to the requested rezoning and stated the opinion that the proposal will negatively impact the residential homes in the area.

Discussion ensued relative to the fact that approval of the case requires a 3/4 vote of the Council, neighborhood access, site plan modifications, and landscaping and screening walls.

Upon request of the applicant, it was moved by Councilmember Stapley, seconded by Councilmember Boyd, that this matter be continued to the June 17, 1996, Regular Council Meeting.

Mayor Wong declared the motion carried unanimously by those present.

- *e. **Z96-23** The 5200 to 6700 blocks of South Sossaman (both sides east to Ellsworth Road). Rezone from PF to M-1-DMP (3,020± acres). This case involves the development of Williams Gateway Airport. Williams Air Force Base, owner; Williams Gateway Airport Authority (WGAA), applicant - Ordinance No. 3181.

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

1. Compliance with the basic development as shown on the development plan submitted, except as noted below;
2. Review and approval by the Planning and Zoning Board and City Council of future development plans and phases;
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. Review and approval of a Special Use Permit by the Board of Adjustment for a Comprehensive Sign Plan;
6. Compliance with all requirements of the Design Review Board;
7. Review and approval by the Design Review Board of all commercial, office, restaurant, and retail buildings fronting onto Sossaman Road which are greater than 20,000 sq.ft.;
8. Review and approval by the Design Review Board of all buildings fronting onto Sossaman Road which are 35,000 sq.ft. or larger;
9. Review and approval by the Planning and Zoning Board, Design Review Board, and City Council of all buildings greater than 100,000 sq.ft.; and
10. Provide updated Phase I lot lease plan to staff upon completion.

- *f. **Z96-24** The 7500 and 7600 blocks of East Eagle Crest Drive. Rezone from R1-90-DMP to R-2-PAD-DMP (30± acres). This case involves a 180 unit townhome subdivision. Gary Walker, owner; P/D Architects, applicant.

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 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; and
6. Compliance with all requirements of the Design Review Board.

Upon the request of the applicant, this case has been continued to the July 15 , 1996 Regular Council Meeting.

- *g. **Z96-25** The 3700 block of East Brown Road - (north side). Rezone from R1-35-PAD to R1-35 (20± acres). The case involves the removal of a PAD overlay to accommodate conventional single residence development. Judy Peters and Phase One Equities, owners/applicants - Ordinance No. 3182.

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

1. Compliance with all requirements of the Public Works Department (Engineering and Traffic Engineering, etc.);
2. Dedicate the right-of-way required under the Mesa City Code at the time of application for a building permit, at the time of recordation of the subdivision plat, or at the time of the City's request for dedication whichever comes first;
3. Compliance with all requirements of the Subdivision Technical Review Committee/Land Split Regulations; and
4. Notice be provided to future residents that the project is within one mile of Falcon Field.

- *h. **Z96-26** North and west of the northwest corner of Broadway and Greenfield Road. Rezone from R-2-PAD to R1-6-PAD (10± acres). This case involves a proposed 62 lot patio home subdivision. W.H. Passey, owner; D.R. Horton, Inc., applicant – Ordinance No. 3183.

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

1. Compliance with the basic development as shown on the site plan and elevations submitted, except as noted below;
2. Compliance with all requirements of the Public Works Department (Engineering and Traffic Engineering, etc.);
3. Dedicate the right-of-way required under the Mesa City Code at the time of application for a building permit, 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. Lots 1 through 11 being restricted to single level homes; and
6. Compliance with the project narrative submitted by the applicant.

- i. **Z96-27** The northwest corner of Hermosa Vista Drive and 40th Street. Rezone from R1-35 to R1-35-PAD (20± acres). This case involves a 20 lot single residence subdivision. E.W. Gardner, Owner/applicant. **(A 3/4 VOTE IS REQUIRED TO APPROVE THE APPLICANT'S REQUEST.)**

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

1. Compliance with the basic development as shown on the preliminary plat submitted;
2. Compliance with all requirements of the Public Works Department (Engineering and Traffic Engineering, etc.);
3. Dedicate the right-of-way required under the Mesa City Code at the time of recordation of the subdivision plat, or at the time of the City's request for dedication whichever comes first;
4. Compliance with all requirements of the Subdivision Technical Review Committee;
5. Owner granting an Avigation Easement and Release to the City, pertaining to Falcon Field Airport which will be prepared and recorded by the City (concurrently with the recordation of the final subdivision map, prior to the issuance of a building permit);
6. Notice be provided to future residents that the project is within one mile of Falcon Field Airport; and
7. Noise attenuation measures be incorporated into the design and construction of the homes to achieve a noise level reduction to 40 Ldn.

Dr. Dennis Armstrong, a protestor in this case, stated that this issue was presented to the Council approximately one year ago. Dr. Armstrong advised that he and his wife own a parcel of property located at 4004 East Hermosa Vista. Dr. Armstrong added that their residence is located at that address and stated that he is also the owner of twelve acres of land behind his home which are located directly east of the proposed project. Dr. Armstrong explained that the issue in question is one of access to the twelve acres of property which he purchased. Dr. Armstrong provided the Council with additional information regarding this case.

Discussion ensued relative to dividing the subdivision, access, the fact that the applicant, Mr. Gardner, is presently in France and could not be present at the meeting, requiring dedication of 40th Street right away as a condition of approval, Dr. Armstrong's attempts to purchase additional property to allow access, the required 3/4 Council vote for approval, the fact that should the Council approve the applicant's request as submitted, Dr. Armstrong's twelve acres of property would be landlocked, and Dr. Armstrong's request that the Council support the recommendations of staff which include the dedication of property on the east side of the site (40th Street right-of-way) to allow access.

In response to a question from Mayor Wong, Mr. Balmer explained that Dr. Armstrong is unwilling to withdraw his protest without the 40th Street right of way dedication and without an agreement from the applicant, Mr. Gardner, to sell the property to Dr. Armstrong at an agreed upon price. Mr. Balmer added that since neither of these items have been resolved, the protest remains in effect.

Councilmember Gilbert noted that the Council appears to be in support of the 40th Street dedication and added that he will vote to approve the case only if the dedication is included as a stipulation of approval.

In response to a question from Councilmember Boyd, Mr. Balmer stated that the Council could make a motion to approve the case at this meeting. Mr. Balmer noted that the case would be

approved, but not the existing ordinance and added that a second ordinance containing the revised stipulation would then be introduced. Mr. Balmer informed the Council that there would then be two ordinances for consideration, one containing the right of way and one without the right of way provision.

It was moved by Councilmember Gilbert, seconded by Councilmember Boyd that Zoning Case Z96-27 be approved subject to the revision of stipulation number 3 to include the dedication of 40th Street right-of-way (approximately 40 feet, dedication to be equal to the west side dedication).

Upon tabulation of votes, it showed:

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

Mayor Wong declared the motion carried by a majority vote of the Council present.

Mr. Balmer clarified the fact that although the case has been approved, the Council will vote on one of two ordinances at the June 17, 1996 Regular Council Meeting. Mr. Balmer noted that the ordinance will require a 3/4 vote of the Council unless the protest is removed.

- j. **Z96-29** Part of the 1100 block of West Grove Avenue (north side). Site Plan Review (2± acres). This case involves a seven story hotel. Sabino Investing Inc., owner; BSW International, applicant.

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

Upon request of the applicant, it was moved by Councilmember Boyd, seconded by Councilmember Stapley, that this matter be continued to the June 17, 1996, Regular Council Meeting.

Mayor Wong declared the motion carried unanimously by those present.

11. Consider the following subdivision plat:

- *a. "SUPERSTITION SPRINGS AUTO PARK, UNIT TWO" - The 6200 block of East Superstition Springs Boulevard (south side), 6 M-1-PAD-AF-DMP lots (33.19 acres). The Westcor Company II Limited Partnership and Bank Midwest, N.A., developer; Val-Tec, Inc., engineer.

Councilmember Boyd expressed appreciation to the citizens of Mesa for allowing him to serve as a member of the Council for eight years. Councilmember Boyd encouraged citizens to become more active in the election process.

12. Adjournment.

It was moved by Councilmember Stapley, seconded by Councilmember Gilbert, that the Regular Council Meeting adjourn at 8:20 P.M.

Carried unanimously.

WILLIE WONG, 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 20th day of May, 1996. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 10th day of June 1996

BARBARA JONES, CITY CLERK