

# COUNCIL MINUTES

November 4, 1996

The City Council of the City of Mesa met in a Regular Council Meeting in the Council Chambers, 57 East 1st Street, on November 4, 1996 at 5:30 P.M.

## COUNCIL PRESENT

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

## COUNCIL ABSENT

None  
  
POLICE OFFICER  
PRESENT  
  
Scott Martin

## OFFICERS PRESENT

C.K. Luster  
Barbara Jones

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

The Pledge of Allegiance was led by Brian Thredgold, Troop #158.

Mayor Brown introduced newly appointed Councilmember Wayne Pomeroy to the audience.

Mayor Brown announced that a forum on the smoking ban will be held on Thursday, November 7, 1996 in the Palo Verde Room of the Centennial Conference Center. Mayor Brown encouraged citizens and interested parties to attend the forum and provide input relative to their views and recommendations concerning the smoking ban.

### 1. Approval of minutes of previous meetings as written.

It was moved by Councilmember Stapley, seconded by Councilmember Pomeroy, that the minutes of October 18, 21, and 25, 1996, be approved.

Carried unanimously.

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

a. Hear from Kirby Allan regarding "political distortion."

Mr. Allan spoke in opposition to the current management of the City of Mesa.

- b. Hear from Robert Jackson regarding "City Government Awareness and Appreciation."

Mr. Jackson stated that on behalf of several businesses, he would like to express appreciation to the Council for scheduling the forum to discuss and consider the smoking ban issue. Mr. Jackson advised that the smoking ban has negatively impacted business owners in the City of Mesa and discussed the importance of addressing this crucial matter.

Mayor Brown thanked Mr. Jackson for his comments.

3. Consider all consent agenda items.

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

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

Carried unanimously.

4. Consider the following liquor license applications.

- a. ROBERT FERRARO, AGENT

New Beer and Wine Store License for On the Run A5Y, 1210 S. Higley Road. This is an existing business, no previous liquor licenses at this location.

- b. ROBERT FERRARO, AGENT

New Beer and Wine Store License for On the Run AOV, 5958 E. McKellips Road. This is an existing business, no previous liquor licenses at this location.

- c. ROBERT FERRARO, AGENT

New Beer and Wine Store License for On the Run A3R, 1221 N. Recker Road. This is an existing business, no previous liquor licenses at this location.

- d. ROBERT FERRARO, AGENT

New Beer and Wine Store License for On the Run ADJ, 1961 S. Val Vista Drive. This is an existing business, no previous liquor licenses at this location.

Webb Crocket, 2 North Central, Phoenix, an attorney representing the applicant, advised that On the Run is a wholly-owned subsidiary of Mobil Oil Corporation. Mr. Crocket stated that the establishments represent a new concept in convenience markets, offering in excess of 4,000 items to respond to current marketplace demands.

Mr. Crocket provided the Council with signed petitions from neighbors in support of license approval for the above listed establishments.

Discussion ensued relative to existing zoning in the areas surrounding the four previously listed establishments the fact that Mobil Oil Corporation has developed and implemented a State Liquor Board approved training program for employees.

Mr. Crocket requested that the Council approve the applicant's requests.

Bill Brando, 61 South Macdonald, spoke in favor of Council approval of the requested licenses and stated the opinion that the licenses are required in order to compete with surrounding businesses.

Mr. Crocket responded to several questions posed by Vice Mayor Gilbert and informed the Council that all beer products will be stored in coolers and will not be visibly stacked inside any of the business establishments.

Councilmember Stapley commented that he has consistently voted in opposition to the granting of liquor licenses to establishments which sell gasoline and added that he will vote in opposition to the requested licenses.

Following the Mayor's indication that the application is in conformance with ARS 4-201F, it was moved by Vice Mayor Gilbert, seconded by Councilmember Pomeroy, that the New License applications be approved.

Upon tabulation of votes, it showed:

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

Mayor Brown declared the motion carried by majority vote.

\*e. AMIR YOUNAN, INDIVIDUAL

New Beer and Wine Store License for # One Mini Mart, 735 E. McKellips Road. The license previously held at this location by Tony Davis, Individual, Number One Mini Mart #1147, will revert back to the State.

\*f. LETICIA CLARA GARCIA, AGENT

New Restaurant License for Tacos Y Mariscos La Ley, 330 S. Gilbert Road, #1. The license previously held at this location by John J. Struna, Agent, Tom's Chicago Style BBQ did not renew their 1992 license.

5. Consider the following contracts:

\*a. Baseball field tarps to protect the field, pitching mounds and home plates at Fitch and HoHokam facilities.

The Purchasing Division recommends accepting the low bid by Reef, Inc. at \$10,427.90 plus 5% use tax of \$521.39 for a total of \$10,949.29.

- \*b. Baseball screens and batting cages to be used at Fitch and HoHokam facilities.

The Purchasing Division recommends accepting the low bid meeting specification by C & H Baseball at \$46,750.00 plus 5% use tax of \$2,337.50 for a total of \$49,087.50.

- \*c. Annual supply contract for automotive/truck parts requested by Fleet Support Services Division.

The Purchasing Division recommends accepting the lowest overall bid by B & K Supply for annual purchases estimated at \$50,000.00 based on estimated requirements.

- \*d. One-year renewal of the annual supply contract for anodeless service risers as requested by Utility Construction. These risers are used in gas service installations. The Purchasing Division recommends exercising the first of two one-year renewal options with the original low bid by Perfection Corp. at \$23,160.00 plus 5.0% use tax of \$1,158.00 for a total of \$24,318.00 based on estimated requirements.

- \*e. 34 modular employee workstations, a copy center work station, and 37 replacement chairs as requested by the Police Department for their Records Division.

Council is requested to authorize purchase from the State of Arizona contract with Goodman's Inc. for a total of \$92,274.50 including materials, design services, delivery, installation and applicable sales tax.

- \*f. One-year renewal of the annual supply contract for Heated Soft Water and rental of an Asphalt Distributor with an Operator requested by the Streets Maintenance Division.

The Purchasing Division recommends exercising the second of three one-year renewal options with the low bidder for item 1, Hawker Manufacturing for \$3,000.00 plus 5.5% sales tax of \$165.00 for a total of \$3,165.00; and the low bidder for item #2, Copperstate Emulsions at \$10,200.00. The combined award is then \$13,365.00 based on estimated annual requirements.

- \*g. One-year renewal of the annual supply contract for spray marking paint for warehouse inventory. These paints are used by several City departments to mark underground utility locations and for painting water meters.

The Purchasing Division recommends exercising the first of two one-year renewal options with the original low bidders as follows:

Item 1 to Crow Company at \$2,162.15 plus 7.05% sales tax of \$152.43 for a total of \$2,314.59; and;

Items 2-11 to Garden West Distributors at \$20,755.92 plus 7.05% sales tax of \$1,463.29 for a total of \$22,219.21.

The combined award is then \$24,533.80 based on estimated requirements.

- \*h. One replacement 3000 pound capacity straddle lift truck as requested by the Materials & Supplies Division.

The Purchasing Division recommends accepting the bid meeting specification by Naumann/Hobbs Material Handling at \$11,136.00 plus 7.05% sales tax of \$785.08 for a total of \$11,921.08.

- \*i. One Year Supply Contract for 200 Fujitsu Portable Computers for Police On Line Automated Reporting Information System/Automated Report Writing System (POLARIS/ARWS) as requested by the Information Services Division (ISD).

The Purchasing Division recommends the following:

Awarding a one year supply contract for an estimated 200 Fujitsu portable computers to the low bidder, Fujitsu Business Communication Systems, for \$744,706.56, plus 7.05% sales tax of \$52,501.81, for a total of \$797,208.37;

Authorizing purchase from the State contract for an estimated 200 portable computer carrying cases from Infinisys for \$20,000.00, plus 7.05% sales tax of \$1,410.00, for a total of \$21,410.00;

Authorizing purchase from the State contract for an estimated 200 WordPerfect licenses from ASAP Software Enterprises for \$19,136.00, plus 5% use tax of \$956.80, for a total of \$20,092.80: and

Authorizing purchase from the State contract for an estimated 200 VISIO licenses from Software City for \$22,660.00, plus 7.05% sales tax of \$1,597.53, for a total of \$24,257.53.

The combined award is then \$862,968.70, based on estimated requirements.

- \*j. 110 CNG conversions for various City vehicles as requested by Fleet Support Services.

The Purchasing Division recommends authorizing purchase from the State of Arizona contract with North American Fleet Services for conversion costs totaling \$491,647.21 including materials, labor and applicable taxes.

- \*k. 6 SUN Database File Servers and 2 Workstations as requested by the Information Services Division (ISD).

The Purchasing Division recommends authorizing purchase from the state contract with Amdahl for computer hardware at \$346,679.29, plus 7.05% sales tax of \$24,440.89, for a total of \$371,120.18.

- \*l. East Guadalupe Road Improvements, Power Road to Hawes Road.

This project will widen the existing roadway providing a minimum of two lanes in each direction, plus a center left turn lane from Power Road to Sossaman Road, and widening to three lanes in each direction, plus a center left turn lane from a half mile east of Sossaman Road to Hawes Road. Also installation of a storm drain, catch basins, sidewalks, curb ramps, and street lights.

Recommend award to low bidder, Nesbitt Contracting Co., Inc., in the amount of \$2,062,078.40.

6. Introduction of the following ordinances and setting November 18, 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. **Z96-64** The southwest corner of Brown Road and Greenfield Road. Rezone from AG to R1-15 (17± acres). This involves a proposed 28 lot single residence subdivision. US Development, owner; Ralph Pew, applicant.
- \*b. **Z96-88** The southwest corner of East McKellips Road and North Rosemont. Rezone from M-1 to M-2 (7± acres). This case involves an industrial facility that will produce prefab cement walls. Stacy Brimhall, owner; Corey Smith, applicant.
- \*c. **Z96-89** The 10900 block of East Pecos Road (north side). Rezone from AG to M-2 (5± acres). This case involves a propane storage facility. Arizona Nazarene Lands Inc., owner; Martin L. Dawson, Jr., applicant.
- \*d. **Z96-90** The southeast corner of North Pasadena Avenue and East Leland Street. Rezone from R1-43 to R1-9 (3.69 acres). This case involves the development of a 12 lot subdivision. Allied Concrete & Material, owner; D & M Engineering, applicant.
- \*e. **Z96-91** 517 South LeBaron. Rezone from R-2 to M-1 (1± acre). This case involves conversion of a single residence to a construction office. Skill Construction, Inc., owner/applicant.
- \*f. **Z96-92** 1225 North Gilbert Road. Rezone from O-S to C-1 (1± acre). This case involves the expansion of an existing beauty salon. Mark W. Mabry, owner/applicant.
- \*g. Modifying the Terms and Conditions for the sale of utilities.

6.1. Consider adopting the Comprehensive Annual Financial Report for FY 1995-1996 as recommended by the Finance Committee.

It was moved by Councilmember Stapley, seconded by Councilmember Giles, that the Comprehensive Annual Financial Report for FY 1995-1996, as recommended by the Finance Committee, be adopted.

Vice Mayor Gilbert noted that the Comprehensive Annual Financial Report for Fiscal Year 1995-1996 did not contain an attached management letter noting errors or irregularities and commended staff on their efforts and professionalism.

Councilmember Giles concurred with Vice Mayor Gilbert's remarks and encouraged citizens with questions regarding the City's financial status to obtain a copy of the comprehensive report.

Carried unanimously.

7. Consider the following resolutions:

- \*a. Granting an easement for underground power to Salt River Project in the 900 block of North Alma School Road - Resolution No. 6961.

Easement is needed for proposed underground electric lines.

- \*b. Extinguishing a portion of a public utilities and facilities easement at 6948 East Hampton Avenue - Resolution No. 6962.

Area is being resubdivided and easement is no longer needed.

- \*c. Extinguishing a portion of a public utility easement - Resolution No. 6963.

Easement is no longer needed.

- \*d. Granting the sale of excess property at 6712 East Alder Avenue - Resolution No. 6964.

Property is no longer needed.

8. Consider the following appeal of a Board of Adjustment decision.

- a. **BA96-35** 2350 North Hall Circle. Requesting a variance to allow a detached accessory building to be placed in front of the front line of an existing single residence in the R1-43 district.

Vice Mayor Gilbert noted that a request has been received from the applicant relative to allowing this case to be reheard by the Planning and Zoning Board. Vice Mayor Gilbert stated the opinion that in view of the efforts expended by both the applicant and the affected neighbors to satisfactorily resolve issues of concern, the applicant's request appears appropriate. Vice Mayor Gilbert commented that staff supports the applicant's request for a rehearing by the Planning and Zoning Board.

In response to a question from Vice Mayor Gilbert, Community Development Manager Wayne Balmer expressed the opinion that issues of concern may be resolved as a result of the proposed rehearing by the Zoning Administrator.

It was moved by Vice Mayor Gilbert, seconded by Councilmember Stapley, that this matter be referred to the Zoning Administrator for review and final resolution.

Carried unanimously.

9. Consider the following items from the Planning and Zoning Board and possible adoption of the corresponding ordinances:

- a. **Code Amendment:** 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 - Ordinance No. 3261.

T. J. Parent, President of the Arizona Awning and Patio Enclosure Association, addressed the Council relative to this agenda item. Mr. Parent commended staff on their efforts regarding this issue and advised that the Association supports the proposed ordinance. Mr. Parent also requested and received assurance from the Council that the Association would have an opportunity to readdress this issue should difficulties arise in the future.

It was moved by Vice Mayor Gilbert, seconded by Councilmember Pomeroy, that Ordinance No. 3261 be adopted.

Carried unanimously.

- b. **Z96-39** The northeast corner of McKellips Road and Harris Drive. Rezone from AG to R1-9 (47.1 acres). 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 - Ordinance No. 3262. **A ¾ VOTE IS REQUIRED TO APPROVE THE APPLICANT'S REQUEST. THIS CASE WAS CONTINUED FROM THE OCTOBER 21, 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 & 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.

Mike Curley, 3101 North Central, Phoenix, an attorney representing the applicant, provided the Council with a brief synopsis of this case. Mr. Curley advised that the parcel of land currently under discussion represents an assemblage of five different owners. Mr. Curley noted that due to negotiation efforts on the part of the applicant and the neighbors, the case has received unanimous approval from the Planning and Zoning Board and staff. Mr. Curley urged the Council to approve the applicant's request.

Russell Pearce, 1734 East Hope, spoke in support of the project and stated the opinion that growth in the area has forced owners of the property to abandon the family's farming operation. Mr. Pearce stated the opinion that approving the case would constitute a fair and equitable decision on the part of the Council.

Joan Bradshaw, 15242 South Greenfield, informed the Council that she is the daughter of one of the owners of the property currently under discussion. Ms. Bradshaw stated that her father has lived and farmed the land for seventy years and added that growth and road widenings have negatively impacted the operation and efficiency of her father's farming operation. Ms. Bradshaw requested approval of the case.

Dean Cooley, 1852 East Lockwood, advised that he resides in the neighborhood currently under discussion and indicated that his preference would be the creation of R1-15 lots in the development. Mr. Cooley discussed concerns relative to traffic and speed limit violations in the neighborhood. Mr. Cooley added that an additional access onto McKellips Road should be implemented by the applicant.

Paul Palmer, 1416 East Lynwood, informed the Council that he resides in a residence located west of Harris Street. Mr. Palmer addressed the issue of traffic safety and noted that his son was involved in a traffic accident last year. Mr. Palmer requested that the Council require the applicant to develop an additional access onto McKellips Road and close Harris Street completely; provide gated access to Harris Street for emergency use only; and place timed lights at McKellips and Harris to eliminate traffic congestion.

Gary Meacham, 1835 East Lockwood, spoke in opposition to the project and stated the opinion that the proposed land development will negatively impact the lifestyle and safety of the residents in the area. Mr. Meacham added that density and safety issues remain unresolved and requested that the Council consider the development's impact on the entire neighborhood.

Robert Holyvah, 1711 East Hermosa Vista, noted that the Mesa General Plan stipulates a density of 1-to-2 homes-per-acre for the area and reported that the applicant's proposal of 2.29 homes-per-acre does not meet the density requirements. Mr. Holyvah spoke in opposition to the proposal and requested that the Council require the applicant to adhere to the conditions of the General Plan.

Noel Allen, 1725 East Lockwood, informed the Council that he does not support the proposal. Mr. Allen noted that 110 signatures in opposition to the project have been submitted and stressed the importance of maintaining a rural atmosphere with horse privileges in the area.

In response to a question from Vice Mayor Gilbert, Community Development Manager Wayne Balmer discussed staff's opinion that the proposal meets the intent of the General Plan. Mr.

Balmer added that in response to concerns raised by the neighborhood, staff has recommended that approval require the incorporation of the following four conditions into Zoning Condition Number 5 (compliance with all requirements of the Subdivision Technical Review Committee): 1) the C.C.&R's state that minimum size house is to be 2,200 square feet for all lots except for the northern tier of lots, which will have a minimum of a 2,400 square foot house size; 2) in the first phase of construction, install a 6' high decorative wall along Harris Road (brick pilasters with stucco finish between pilasters) with enhanced landscaping in the tract west of the wall; 3) provide a three-foot high wrought iron and brick pilaster wall along the Harris and McKellips street sides of the retention basin, and 4) dedication of right-of-way for the Kael Street cul-de-sac on the two acre "exception" parcel by the current property owner.

Mr. Balmer noted that the applicant has agreed to the above listed additional conditions of approval into Zoning Condition Number 5.

In response to a request from Councilmember Giles, Mr. Curley stated the applicant's willingness to develop an additional access onto McKellips Road, subject to review and approval by the City's Traffic and Streets Department staff.

Cheryl Biggler, 1909 East Kael, representing the homeowners on her street, stated that the residents support the development of the property as proposed with the stipulation that Kael does not become a through street.

Mori Farmer, 1559 East Bates, stated that he lives on the corner of Bates and Harris Streets. Mr. Farmer expressed the opinion that the additional access onto McKellips agreed to by the applicant will not alleviate traffic safety concerns. Mr. Farmer reported that during the 15 years that he has lived on Bates Street, 8 children have been involved in traffic accidents. Mr. Farmer requested that the Council deny the applicant's request.

Councilmember Giles informed those present that traffic safety is a primary concern of the Council. Councilmember Giles added that although the additional access onto McKellips agreed to by the developer will not solve all of the safety problems, the access will greatly enhance traffic safety in the area. Councilmember Giles discussed the applicant's efforts to arrive at a mutually agreeable compromise relative to the project and indicated that he would vote in support of the proposal.

Councilmember Stapley concurred with Councilmember Giles' remarks and stated that he would vote to approve the zoning request based on the stipulations agreed to by the applicant.

It was moved by Councilmember Stapley that Ordinance No. 3262, containing the four added conditions of approval to be incorporated into Zoning Condition Number 5 by the Subdivision Technical Review Committee, be adopted.

In response to a question from Councilmember Giles, Councilmember Stapley stated that he inadvertently omitted from the motion a fifth condition of approval, the development of an additional access onto McKellips, to be incorporated into Zoning Condition Number 5 by the Subdivision Technical Review Committee.

It was moved by Councilmember Stapley, seconded by Councilmember Giles, that Ordinance No. 3262, containing the five added conditions of approval (four as recommended by staff and an added condition relative to the creation of a staff approved additional access onto McKellips agreed to by the applicant) to be incorporated into Zoning Condition Number 5 by the Subdivision Technical Review Committee, be adopted.

Upon tabulation of votes, it showed:

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

Mayor Brown declared the motion carried by majority vote and Ordinance No. 3262 adopted.

(Mayor Brown called for a recess at 7:15 p.m. and the meeting reconvened at 7:20 p.m.)

- c. **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 - Ordinance No. 3263. **CONTINUED FROM THE OCTOBER 21, 1996 CITY COUNCIL MEETING.**

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 Street, an attorney representing the applicant, informed the Council that the parcel under discussion is located in the center of the citrus groves in northeast Mesa. Mr. Pew expressed the opinion that the proposed project design is

compatible with the surrounding area. Mr. Pew reported that the Mesa General Plan stipulates one-to-two homes per acre on the parcel and stated that the applicant's intention is to develop 1.25 homes-per-acre. Mr. Pew noted that the Planning and Zoning Board voted 5-to-2 in support of the project and that City staff has recommended approval. Mr. Pew urged the Council to approve the applicant's request.

Discussion ensued relative to lot sizes, project amenities and the fact that the case no longer requires a 3/4 vote of the Council for approval.

Lew Lentz, 3717 East Pomegranate, discussed the applicant's request to change the existing zoning from R1-35 to R1-35-PAD. Mr. Lentz informed the Council that he has reviewed the City's Zoning Ordinance adopted in 1992 and briefly highlighted zoning requirements as stipulated in the Ordinance. Mr. Lentz stated that a number of proposed lots, if approved, would be 108-feet deep and expressed the opinion that a depth of 150 feet should be required on all residences in the proposed development.

Cora Lentz, 3717 East Pomegranate, stated the opinion that the applicant should submit a detailed drawing and report on the number of existing citrus on the site and planned citrus removal. Ms. Lentz stressed the importance of maintaining the citrus groves in the area and added that tree removal should be stipulated and agreed upon prior to Council approval.

Louis Kish, 3407 East McDowell, spoke in opposition to changing the character of the neighborhood and requested that the Council deny the applicant's zoning request.

Brian DeBois, 3225 East McDowell, President of the Northeast Mesa Homeowners' Association, discussed the organization's belief that the proposed lot sizes are inadequate and inappropriate for the surrounding area. Mr. DeBois reiterated that in accordance with the Mesa General Plan, R1-35 zoning requires a minimum of 35,000 square-foot lots with 130-foot widths and depths of 150 feet. Mr. DeBois discussed density levels in surrounding neighborhoods and requested that the Council deny the applicant's request and adhere to R1-35 zoning for the area.

Leonard Hennigan, 3850 East Laurel, advised that he resides in the neighboring Spyglass subdivision and noted that his lot size is 48,000-square feet. Mr. Hennigan noted that 90% of the residents in Spyglass have signed a petition in opposition to the proposed project. Mr. Hennigan discussed his opposition to PAD development and stated the opinion that one house per acre should be the requirement for the area.

Steve Winter, 3741 East Leland, noted that he is also a resident of the Spyglass subdivision and expressed concerns relative to citrus removal. Mr. Winter stressed the importance of maintaining the rural atmosphere of the community and stated the opinion that the proposed subdivision will decrease property values and negatively impact homeowners in the area.

Don Traikoff, 2251 North 32nd Street, a resident of Tanner Groves subdivision, expressed the opinion that the applicant was aware of the zoning requirements at the time of purchase and should be required to adhere to the Mesa General Plan. Mr. Traikoff added the opinion that the applicant's concession to decrease the number of lots from 22 to 20 is inadequate and noted that all of the residents in Tanner Groves, with the exception of one homeowner, have signed petitions in opposition to the approval of this request.

Jean Bergen, 2251 North 32nd Street, informed the Council that prior to purchasing her residence in the Tanner Groves subdivision, assurance was received from the Planning and Zoning staff that zoning for the area would remain R-1-35. Ms. Bergen urged the Council to deny the case and enforce R-1-35 zoning at this location.

Linda Miritello, 2575 North Val Vista Drive, stated that she and her husband are opposed to the applicant's request for rezoning. Ms. Miritello spoke in support of maintaining the rural atmosphere of the community and requiring one-acre lots per residence.

Dina Higgins, 2341 North Lemon Circle, expressed the opinion that the developer may remove a large portion of the citrus in view of the absence of an agreed upon landscaping proposal. Ms. Higgins discussed the positive impacts of citrus on the neighborhood and requested Council denial of the case.

In response to a question from Vice Mayor Gilbert, Mr. Pew reported that the applicant's proposal states that two rows of citrus along Val Vista Drive will remain in place and added that citrus will be maintained along all lot lines in the subdivision. Mr. Pew expressed the opinion that potential property buyers would be inclined to allow as many citrus trees as possible to remain on the lots.

Discussion ensued relative to the fact that all potential residences would require approval from the architectural development team, proposed C.C.&R.'s, the importance of preserving the citrus trees in the area, the plan's conformance with the Mesa General Plan and staff's intention to discuss a proposal to determine citrus lot standards in the future.

It was moved by Vice Mayor Gilbert, seconded by Councilmember Stapley, that Ordinance No. 3263 be adopted.

Upon tabulation of votes, it showed:

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

Mayor Brown declared the motion carried by majority vote and Ordinance No. 3263 adopted.

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

Mayor Brown advised that there were no items from citizens present.

11. Adjournment.

It was moved by Councilmember Stapley, seconded by Vice Mayor Gilbert, that the Regular Council Meeting adjourn at 7:59 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 4th day of November, 1996. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 18<sup>TH</sup> day of November 1996

BARBARA JONES, CITY CLERK