

COUNCIL MINUTES

February 2, 1996

The City Council of the City of Mesa met in a Study Session in the lower level meeting room of the Council Chambers, 57 East 1st Street, on February 2, 1996 at 7:30 A.M.

COUNCIL PRESENT

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

COUNCIL ABSENT

Joan Payne

STAFF PRESENT

C.K. Luster
Joan Baier
Wayne Balmer
Kathy Barrett
Neal Beets
Mark Coon
John Gendron
Geri Gerber
Shawn Hineman
Joe Holmwood
Mike Hutchinson
Barbara Jones
Sharon Joyce
Harry Kent
Wayne Korinek
Ron Krosting
Tom Mattingly
Frank Mizner
Ruth Anne Norris
Ellen Pence
Bill Petrie
Bryan Raines
Paula Sloan Rivera
Harold Stewart
Judy Wessel
Mike Whalen
Mindy White
Ralph Wisz
Others

OTHERS PRESENT

Mr. Beatty
Frank Bennett
Dan Cohen
Janice Gennevois
Dan Nowicki
Ralph Pew
Others

(Mayor Wong excused Councilmember Payne from the meeting.)

1. Discussion of Lehi Shadows preliminary subdivision plat.

Community Development Manager Wayne Balmer advised that the Lehi Shadows preliminary plat has been reviewed and recommended for approval by the Planning and Zoning Board. Mr. Balmer referred to illustrations of the Lehi area and designated its boundaries. Mr. Balmer stated that the applicant's initial submittal indicated 28 lots and that staff modified the proposal to 24 lots. Mr. Balmer added that staff and the City's Engineering Department have approved the revised proposal.

Mr. Balmer indicated that Lehi residents have requested that livestock privileges be incorporated into the project to maintain the existing Lehi atmosphere. Mr. Balmer explained that the City Code allows two head of livestock on one-acre lots in Lehi with a separation requirement. Mr. Balmer added that neighbors may protest should they consider that the animals negatively impact their lifestyle. Mr. Balmer stated that the applicant has requested that the largest lots which would be adjacent to the existing Lehi homes be entitled to one head of livestock, and added that these lots measure slightly less than one acre. Mr. Balmer said that should the Council approve the applicant's request, the separation requirement and avenue for neighborhood protest could be included in the deed restrictions.

Councilmember Gilbert stressed the importance of compromise between the applicant and the neighbors and stated that he would support amending the Code to allow one head of livestock on the larger lots. Councilmember Boyd concurred.

Dan Cohen, D & M Engineering, stated that his engineering firm represents the applicant, American Heritage Development. Mr. Cohen pointed out a parcel of land adjacent to the proposed project on an aerial map and advised that the applicant intends to subdivide and develop the parcel should a future rezoning request be approved. Mr. Cohen added that the applicant's proposal for the parcel has been approved by the Lehi Community Improvement Association.

Mr. Beatty, representing the Lehi Community Improvement Association, stated that the Lehi residents support the applicant's current proposal as well as his future project provided livestock privileges on the largest lots can be assured. Mr. Beatty stated that significant effort on the project has been expended by City staff and the developer and complimented the applicant for working with the Lehi residents.

Mayor Wong indicated that it is the consensus of the Council to support one head of livestock on the larger lots of the proposed project.

2. Hear a status report on nuisance abatement.

Building Inspection Superintendent Tom Mattingly referred to a January 22, 1996 Staff Report providing the status of nuisance abatement for 1995. Mr. Mattingly stated that Code Compliance staff is required to utilize tact and communications skills when dealing with citizens and received voluntary cooperation in over 12,500 of the 12,974 cases last year.

City Plans Examiner Bill Petrie introduced the staff of the City's Code Compliance Department in attendance. Mr. Petrie provided statistics concerning on-view and complaint nuisance

abatement cases in 1993, 1994, and 1995. Mr. Petrie stated that in 1995 staff responded to approximately 13,000 cases and added that only three percent of last year's cases resulted in criminal or civil suits. Mr. Petrie said that two-thirds of the cases involve non-repeat offenders and added that staff is currently working with several neighborhood clean-up groups.

Mayor Wong commended staff for its enforcement efforts.

Councilmember Gilbert commented that the statistics indicate that while enforcement of nuisance cases have increased, the expenditure per case has been reduced from 1993 and 1994. Councilmember Gilbert complimented staff for improving the quality of life for Mesa residents.

3. Hear reports on meetings and/or conferences attended.

There were no reports on meetings and/or conferences attended.

4. Scheduling of meetings and general information.

City Manager Charles Luster advised that the meeting schedule is as follows:

Monday, February 5, 1996, 5:30 P.M. - Regular Council Meeting

Wednesday, February 7, 1996, 7:00 A.M. - Council/Dobson Ranch Homeowners' Association

Friday, February 9, 1996, 7:30 A.M. - Study Session

Mr. Balmer provided an update concerning Superbowl activities at Williams Gateway Airport.

5. Review items on the agenda for the February 5, 1996 Regular Council Meeting.

All of the agenda items were reviewed among the Council and staff, with no formal action taken. There was particular discussion with regard to the following agenda items:

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

- 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.

In response to a question from Mayor Wong, Mr. Balmer explained that the Redevelopment Committee's recommendation was intended to provide time for staff to evaluate how the Voit proposal may be incorporated with and complement the Glenwood Tract/Wilbur Street Historical District.

Councilmember Boyd stated that he would oppose approving the Historical District at this time if the Council later modified the boundaries to accommodate the Voit proposal. Councilmember

Boyd stated that he would support approving the Historical District at the next Regular Council Meeting if the boundaries established would not be subject to revision for the Voit project.

In response to a question from Councilmember Gilbert, Mr. Balmer outlined the procedure for designating a Historical District and stated that approval for the District is gained through consideration by the Downtown Development Committee, the City Council, and the public. Mr. Balmer added that designation of a Historical District can proceed through the public hearing process if a minimum of 75 percent of the residents sign a petition in support and added that the current case obtained signatures from 76 percent of the residents. Mr. Balmer said that should the Council approve the petitions at the February 5, 1996 Regular Council Meeting, designation of the Historical District could occur in 60 days.

Councilmember Gilbert advised that he would support proceeding at the February 5, 1996 Regular Council Meeting or continuing the issue to not later than February 20, 1996.

Mr. Balmer suggested that, should the Council choose to delay action on February 5, the issue be placed on the agenda of the February 15, 1996 joint Downtown Development/Redevelopment Committee meeting.

The Council concurred with Mr. Balmer's recommendation.

5. Consider the following contracts:

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.

Public Works Manager Harry Kent advised that a public meeting was recently conducted concerning the proposed well and added that there were no citizens in attendance. Mr. Kent stated that there may be opposition to the project once underway.

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.

Vice Mayor Jensen expressed concern that the proposed ordinance may not address halfway houses that may not be conducive in Mesa. Vice Mayor Jensen requested that the item be removed from the consent agenda for further discussion.

Mr. Balmer explained that the ordinance would require that applications for establishment of a halfway house in Mesa proceed through the Council Use Permit process. Mr. Balmer added that a separation requirement between such facilities is not included in the proposed ordinance but would be part of the licensing requirements.

In response to a question from Vice Mayor Jensen, City Attorney Neal Beets advised that the proposed ordinance allows existing halfway houses to be grandfathered uses from a zoning perspective but requires existing facilities to obtain annual licensing. Mr. Beets added that an appropriate phase-in period for licensing existing halfway houses should be included.

Mr. Balmer stated that specific licensing criteria have not yet been determined but will be established with input from the Residential Recovery Association and the public. In response to a request for clarification from Vice Mayor Jensen, Mr. Balmer provided a distinction between halfway houses and boarding houses.

Councilmember Gilbert expressed the opinion that halfway houses are a necessary and valuable use in Mesa and that the licensing issue deserves in-depth consideration by the Council. Councilmember Gilbert suggested that zoning regulations and licensing criteria continue to be evaluated by staff.

Mayor Wong stated that this item will be removed from the consent agenda for further discussion at the February 5, 1996 Regular Council Meeting.

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.**

Mr. Balmer advised that the applicant has requested that this case be withdrawn. In response to a question from Councilmember Boyd, Mr. Balmer stated that additional engineering and escrow costs that the applicant determined would have to be spent as a condition of approval prompted him to request that the case be withdrawn.

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

The Council viewed a brief film concerning photo radar as a traffic enforcement tool.

Mr. Luster requested that the Council provide staff direction concerning the appropriate forum to consider photo radar. It was the consensus of the Council that a public hearing be conducted at a Regular Council Meeting.

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

There were no public opinion appearances prescheduled for this meeting.

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

Janice Gennevois, 150 North Wilbur, stated that she has purchased older properties in Mesa for the purpose of renovation. Ms. Gennevois said that she purchased the homes based on the belief that the City Council is supportive of renovating downtown historical structures and has expended significant funds on the homes to date. Ms. Gennevois requested that the Council consider approving the Glenwood Tract/Wilbur Street Historic District at its February 5, 1996 Regular Council Meeting. Ms. Gennevois expressed the opinion that a Historical District will assist in the improvement of downtown Mesa. Ms. Gennevois added the opinion that the Voit project and the proposed Historic District have similar goals and will complement each another.

Councilmembers Boyd and Gilbert stated that the Council supports the Historical District and indicated that a decision would not be delayed beyond February 20, 1996.

Mayor Wong thanked Ms. Gennevois for her comments.

8. Adjournment.

It was moved by Councilmember Stapley, seconded by Councilmember Johnson, that the meeting adjourn at 9:25 A.M.

Carried unanimously.

WILLIE WONG, MAYOR

ATTEST:

BARBARA JONES, CITY CLERK

Council Study Session
February 2, 1996
Page 7

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the Study Session of the City Council of Mesa, Arizona, held on the 2nd 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