

COUNCIL MINUTES

March 18, 1996

The City Council of the City of Mesa met in a Regular Session in the Council Chambers, 57 East 1st Street, on March 18, 1996 at 5:38 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
PRESENT

Officer Bill Barta

OFFICERS PRESENT

C.K. Luster
Neal Beets
Barbara Jones

The Invocation was given by Assistant Pastor Ed Petersen, First Lutheran Church.

The Pledge of Allegiance was led by Eric Sanders, Keith Brady, and Charles Becker of Troop 52.

Presentation from Mugi High School, Mino City, Japan, to the Mayor and Councilmembers.

Representatives from Mugi High School, Mino City, Japan, presented a letter from their Mayor and momentos as a token of friendship between Mesa and Mino City.

1. Approval of minutes of previous meetings as written.

It was moved by Councilmember Stapley, seconded by Councilmember Boyd, that the minutes of March 1, 4, and 7, 1996, be approved.

Carried unanimously.

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 Vice Mayor Jensen, that the consent agenda items be approved.

Carried unanimously.

3. Conduct a public hearing concerning the F.Y. 1996/97 Community Development Block Grant (CDBG), HOME Investment Partnerships, and Emergency Shelter Grant proposed projects.

Mayor Wong announced that this is the time and place for a public hearing regarding the F.Y. 1996/97 Community Development Block Grant (CDBG), HOME Investment Partnerships, and Emergency Shelter Grant proposed projects.

Vice Mayor Jensen 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 question from Councilmember Gilbert, City Attorney Neal Beets stated that Councilmember Gilbert's position as a voluntary, nonpaid MARC Center boardmember does not constitute a conflict of interest.

Ed Petersen, 142 North Date Street, noted the positive impact of increased streetlighting in neighborhoods and spoke in support of additional streetlights for the Cando area.

Edward Fortier, 515 West Pepper, representing the Cando Neighborhood Association, commented concerning the perception that well-lit streets reduce crime and presented a request to Council for streetlights. Mr. Fortier asked that if the request is approved, residents be permitted to provide input relative to the placement of streetlights.

Community Development Manager Wayne Balmer informed Council that two projects have been recommended by staff, given the number of streetlights needed in the Cando area, and stated that staff would work with residents in the placement of lights should the projects be approved by Council. Mr. Balmer estimated that approximately one year would be required before installation of streetlights would occur.

Bev Tittle-Baker, 460 South Bellview, representing the Area V Neighborhood Association, outlined a proposal for land acquisition to develop a neighborhood center. Brief discussion ensued concerning cost of the land and construction partners/donated labor and materials. Dan Duncan, President, Mesa United Way, spoke concerning the United Way's commitment to the project and the proposed role of the United Way in providing operational oversight.

Jim Middleton, 1107 East Lockwood, First Vice President, MARC Center, noted the services provided by the MARC Center and stated support for the recommendation of City staff to provide funding for the acquisition and expansion of an existing building for the Center.

Dana Brown, 723 East 2nd Avenue, representing Greenfields Retirement Community, presented a request to purchase fire/sprinkler equipment for assisted-living apartments. Councilmember Gilbert suggested that Greenfields additionally apply for funding through Maricopa County.

There being no other citizens present wishing to speak on this issue, the Mayor declared the public hearing closed.

4. Consider implementation of a program utilizing photo radar.

Louis Stradling, 417 South Pasadena, spoke concerning the importance of protecting the spirit of liberty among citizens and cautioned against excessive restrictions on freedoms. Mr. Stradling noted technological benefits of photo radar but recommended that use of such equipment be limited to critical areas of the City.

Charles Kruppenbacher, 1138 South 96th Place, stated opposition to the use of photo radar given the cost of such equipment and suggested that funds be utilized instead to hire additional police officers.

Bill Brando, 61 South Macdonald, expressed the opinion that the use of photo radar does not allow for "due process" and would serve to increase citizen opposition to local government. Mr. Brando commented that the equipment is unable to photograph certain large trucks and/or through tinted film. Mr. Brando distributed copies of 1993 traffic safety statistics provided by the U.S. Department of Transportation, noting that many traffic fatalities in 1993 resulted from collisions involving large trucks. Mr. Brando suggested alternative methods to improve traffic safety on City streets, including the use of speed bumps.

Steve Bacs, 6563 East Presidio Street, commented that the use of photo radar is unconstitutional and that reports from the Police Chief and vendors should be made available prior to a vote by Council to approve the installation of photo radar equipment. Mr. Bacs stated the opinion that the use of photo radar creates a false sense of security and that enforcement of existing laws is needed to improve traffic safety. Mr. Bacs recommended the implementation of improved signal turns/timing, better use of police resources, and an increase in speed trailers in residential areas and stated that he is willing to work with the City in developing additional solutions to traffic safety problems.

Kirby Allan, 2043 East Hackamore, noted costs associated with the utilization of photo radar and spoke in opposition to the use of such equipment.

In response to questions from Councilmember Gilbert, Police Chief Lars Jarvie clarified that the Police Department is requesting approval to implement a pilot project to determine if the use of photo radar technology will decrease traffic safety problems and that the Department is seeking authority to obtain Requests for Proposals. Chief Jarvie stated support of photo radar technology and commented that photo radar would serve as a tool to augment existing manpower. Chief Jarvie indicated that the pilot project would be funded in part through fines collected by the equipment vendor.

Police Lieutenant Rick Clore outlined the proposed pilot project, which would involve the installation of red light cameras at the City's top ten accident intersections and three speed vehicles manned by police officers and placed at major arterial streets during periods of high traffic volume (e.g., 6 a.m. and 6 p.m.). Lieutenant Clore expressed the opinion that the use of photo radar equipment will modify the behavior of drivers.

In response to a question from Vice Mayor Jensen, Lieutenant Clore stated that photo radar will permit the enforcement of speed limits for trucks as well as smaller vehicles and noted that fully tinted windows are prohibited by law.

Traffic and Streets Director Ron Krosting advised that staff has researched solutions such as those offered by Mr. Bacs and continuously considers new traffic safety alternatives. Mr. Krosting commented that citizens often alert staff to problem locations.

Lieutenant Clore spoke concerning the importance of engineering, education, and enforcement.

(Robert Jones, 844 West 10th Street, related a recent incident involving the Mesa Police Department, and in response to a question from Mayor Wong, indicated that he did not wish to speak in reference to photo radar.)

Tom Wilkinson, 2311 East Glencove, related personal examples relative to the use of photo radar in Paradise Valley and stated that the use of such equipment is inappropriate.

It was moved by Councilmember Gilbert, seconded by Vice Mayor Jensen, to approve proceeding with the implementation of a pilot program using photo radar and to authorize staff to prepare documents to obtain Requests for Proposals.

Councilmember Gilbert stated the opinion that the use of photo radar does not impair constitutional rights and that the pilot program can be considered a success if driving behavior is improved. Councilmember Gilbert advised that the City is unable to hire the number of officers that would be necessary to carry out the work provided by photo radar equipment and commented that the pilot program is worthy of consideration.

Councilmember Payne noted her respect for the Police Department but spoke in opposition to the use of photo radar. Councilmember Payne related statistics concerning photo radar use in Paradise Valley which reflect an increase, rather than decrease, in the number of citations over time and advised that such figures are indicative of a lack of effectiveness in modifying driving patterns. Councilmember Payne stated that she will not vote in favor of the motion.

Councilmember Boyd thanked staff for their efforts and expressed the opinion that a program designed to improve driving behavior should be considered. Councilmember Boyd indicated support of the motion but spoke in favor of a one-year time limit.

Vice Mayor Jensen noted concerns presented to the Police Committee regarding an inability to adequately enforce speed/lights in Mesa and commented that photo radar can be used as a tool to enhance the efforts of the Police Department in serving the community. Vice Mayor Jensen stated the opinion that photo radar may serve to modify driving behavior and spoke in favor of a one-year time frame for the pilot program. Vice Mayor Jensen suggested that revenue generated by use of the equipment be utilized toward youth programs and efforts such as deterring gang activity.

Mayor Wong spoke in favor of a one-month period to educate citizens to the photo radar system and a two-year time frame for review of the program.

Following discussion concerning the time span of the pilot program, Councilmember Gilbert clarified that the purpose of the motion is to allow the Police Department to begin the implementation process and to assemble a proposal, including items such as starting date and time frame for review, to present to Council.

Upon tabulation of votes, it showed:

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

The Mayor declared the motion carried by majority vote.

(At 8 p.m. Mayor Wong called for a short recess, and the meeting reconvened at 8:12 p.m.)

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

- *a. Board of Adjustment meeting - March 5, 1996.
- *b. Design Review Board meeting - March 6, 1996.
- *c. Housing Advisory Board meeting - February 28, 1996.
- *d. Human Services Advisory Board meeting - March 13, 1996.
- *e. Library Advisory Board meeting - March 5, 1996.
- *f. Merit System Board meeting - February 28, 1996.
- g. Parks and Recreation Advisory Board meeting - March 14, 1996.

Recommend adopting the proposed fee increases/adjustments as presented.

It was moved by Councilmember Gilbert, seconded by Councilmember Stapley, that the recommendation of the Parks and Recreation Advisory Board be accepted.

Councilmember Gilbert noted that, if needed, assistance is available to citizens through fee waivers/reductions.

Carried unanimously.

- *h. Special Economic Development Advisory Board meeting - March 7, 1996.

6. Consider the following liquor license application:

*a. ALAN RAY PAYNE, PAST PRESIDENT

Special Event License application of Alan Ray Payne, Past President, for Gilbert Kiwanis Club, a three-day charitable event to be held on Friday, March 29, 1996, from 9:00 a.m. to 8:00 p.m., Saturday, March 30, 1996, from 9:00 a.m. to 9:00 p.m., and Sunday, March 31, 1996, from 10:00 a.m. to 8:00 p.m. at 6001 South Power Road, Williams Gateway Airport.

*b. EUGENE V. ESPEY, TREASURER

Special Event License application of Eugene V. Espey, Treasurer, for Sister Cities Association of Mesa, a two-day civic event to be held on Saturday, May 4, 1996, from 10:00 a.m. to 10:00 p.m. and Sunday, May 5, 1996, from 12:00 Noon to 6:00 p.m. at 0-100 block of North Macdonald Street.

*c. GARY MICHAEL JOHNSON, AGENT

Person Transfer Bar License for Macayo Mesa, 1920 South Dobson Road. This transfer is from Gary Michael Johnson, Agent, Cuisines of Mexico, Inc., to Macayo Restaurants, LLC.

*d. STEVEN L. SCHEINTHAL, AGENT

New Restaurant License for Landry's Seafood House, 1320 West Southern Avenue. The license previously held at this location by H.J. Lewkowitz, Agent, Bobby McGee's Conglomeration, closed November 13, 1995.

*e. SERGIO AMADO PESQUEIRA, AGENT

New Restaurant License for Parrilla Los Picos, 1542 West University Drive. The license previously held at this location by Sally R. Williamson, Etal, Jeff's Steak House & Cocktails, closed October 31, 1994.

*f. BETH ANN FORKENBROCK, MEMBER

Special Event License application of Beth Ann Forkenbrock, Member, for Mesa Jaycees, a one-day civic event to be held on Friday, March 22, 1996, from 4:00 p.m. to 1:00 a.m. at 640 North Center Street.

*g. BETH ANN FORKENBROCK, MEMBER

Special Event License application of Beth Ann Forkenbrock, Member, for Mesa Jaycees, a one-day civic event to be held on Saturday, April 20, 1996, from 10:00 a.m. to 1:00 a.m. at 640 North Center Street.

7. Consider the following contracts:

- *a. Annual supply contract for automotive lighting, mirrors, and safety supplies requested by Fleet Support Services Division.

The Purchasing Division recommends accepting the lowest overall bid meeting specifications by The Lighthouse for annual purchases estimated at \$30,000.00.

- *b. Annual supply contract for fertilizers used at City parks and golf courses.

The Purchasing Division recommends accepting the overall low bid meeting specification by Fertizona (base bid) at \$98,409.84 plus 7.8% sales tax of \$7,675.96 for a total of \$106,085.80 based on estimated requirements.

- *c. One-year renewal of the annual supply contract for gas service valves in warehouse inventory to be used by the Utility Construction Division.

The Purchasing Division exercising the second and final one-year renewal option with the original low bidder, Kerotest Mfg. Corp. at \$28,270.00 plus 5% use tax of \$1,413.50 for a total of \$29,683.50 based on estimated requirements.

- *d. Annual contract for maintenance of deep well pumps on City-owned wells in Maricopa and Pinal Counties as requested by the Utility Operations Division.

The Purchasing Division recommends awarding the primary contracts for Maricopa County and Pinal County to the lowest overall bidder, B.L. Weber Group. Annual pump repairs on wells for Maricopa County are estimated at \$65,000.00, and repairs on wells for Pinal County are estimated at \$70,000.00. The combined award is then \$135,000.00 based on estimated requirements.

It is also recommended that a secondary contract be awarded to the second lowest overall bidder, Navajo Pump & Supply, to provide for a backup source for both Maricopa and Pinal locations in case of multiple pump malfunctions or breakdowns.

- *e. Stripping and galvanizing of used streetlight poles and arms for warehouse inventory to be used by the Transportation Division.

The Purchasing Division recommends accepting the only bid by CEM-TEC Corp. at \$18,828.00 plus 7.05% sales tax of \$1,327.37 for a total of \$20,155.37.

- *f. Automated Data Storage Tape System as requested by the Information Services Division.

The Purchasing Division recommends accepting the proposal from Memorex Telex Corporation (MTC) for an Automated Tape Library system as identified in the evaluation as "MTC Alternative #2." Financing for three years has been identified from BankAmerica Corporation at a rate of 4.776%.

The Memorex proposal received the highest evaluated score of 900 points (90% of the maximum, and 199 points higher than the second highest evaluated score). This proposal also received the highest score in all categories except cost (refer to Attachment B for the Evaluation Summary). The Memorex five-year evaluated total is \$566,066.

*g. Sorting and Marketing of Recyclables.

Authorizing the City Manager to execute a contract with an Arizona recycling company based on the bid process for sorting and marketing of recyclables for the City's Blue Barrel recycling program.

Recommend award for the best bid to Valley Recycling Works, Inc. for their bid of \$5.00/TN payment to the City.

*h. North Mesa Drive: water line and gas main Extensions (Main Street to 8th Street) and North Mesa Drive: pavement reconstruction and overlay (Main Street to McKellips Road).

This project will reconstruct and/or overlay North Mesa Drive from Main Street to McKellips Road as part of the City's street maintenance program. Also included are water and gas main extensions between Main Street and 8th Street.

Recommend award to low bidder, Nesbitt Contracting Co., in the amount of \$1,298,427.00.

*i. Adobe Road improvements (Sun Valley Boulevard to 80th Street).

This project will extend East Adobe Street between Sunvalley Boulevard and 80th Street including street, storm drain, streetlight, and sewer improvements.

Recommend award to low bidder, Construction 70, Inc., in the amount of \$514,325.15.

*j. One pre-owned high-performance aircraft as requested by the Police Department.

The Purchasing Division recommends accepting the bid meeting specification by McComas Family Trust at \$80,000.00 plus 5% use tax of \$4,000.00 for a total of \$84,000.00.

8. Deleted.

9. Introduction of the following ordinance and setting April 1, 1996 as the date for the public hearing on this ordinance.

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

- *a. Relating to the Mesa Personnel Rules; amending Section 230 pertaining to recruitment; amending Section 420 pertaining to holidays; amending Section 610 pertaining to promotions; and repealing conflicting ordinances.

10. Consider the following resolution:

- *a. Approving and authorizing the City Manager to execute an Intergovernmental Agreement between the City of Mesa and the Superior Court of Arizona in Maricopa County to provide security guard services at the Mesa Municipal Court.
- *b. Adopting the Williams Regional Planning Study and Land Use Policy for major land use decisions affecting the Williams Regional Planning Study Area.

11. Consider the following ordinance:

- *a. Prohibiting parking on the south side of Pampa Avenue from Alma School Road to a point 50 feet east of Alma School Road, on Eagle Crest Drive from Power Road to Ridgecrest, on Ridgecrest from Eagle Crest Drive to McDowell Road, on Red Mountain from Eagle Crest Drive to Ridgecrest, on Mountain Ridge from Eagle Crest Drive to Ridgecrest, and on Saddleback Street from Eagle Crest Drive to Mountain Ridge; prohibiting parking from 8:00 a.m. to 5:00 p.m., Monday through Friday, except holidays, on the east side of Lewis from a point 275 feet north of 6th Avenue to a point 600 feet north of 6th Avenue; reducing the speed limit from 45 mph to 40 mph on Alma School Road from the Tempe Canal to the north City limits; increasing the speed limit on Dobson Road from 35 mph to 40 mph from 8th Street to a point 1,600 feet north of 8th Street; establishing a 35 mph speed limit on Eagle Crest Drive from Power Road to Ridgecrest, on Ridgecrest from Eagle Crest Drive to McDowell Road, and on Red Mountain from Eagle Crest Drive to Ridgecrest; establishing a 30 mph speed limit on Saddleback Street from Eagle Crest Drive to Mountain Ridge and on Mountain Ridge from Eagle Crest Drive to Ridgecrest; and establishing a through street designation on Eagle Crest Drive from Power Road to Ridgecrest, on Ridgecrest from Eagle Crest Drive to McDowell Road, and on Red Mountain from Eagle Crest Drive to Ridgecrest, all as recommended by the Traffic Safety Committee - Ordinance No. 3154.

12. Consider the following case from the Downtown Development Committee and possible adoption of the corresponding ordinance:

- *a. **CZ96-1TC** An application for rezoning from TCB-1 to TCB-2, granting of a Special Use Permit to allow vehicular sales, and granting of variances to reduce onsite landscaping, screening, and parking requirements -Ordinance No. 3155.

DDC Recommendation: Approval of the rezoning application and associated Special Use Permit and code variances, with conditions: (Vote 6-0.)

1. Compliance with the development as shown on the submitted site plan and as stated in the applicant's letter of December 12, 1995, except as specified below;

2. Modifications being made to the existing landscaping area and removal of the planter walls along the Broadway frontage;
3. Full compliance with the ten-foot (10') landscaped width and requirements for the number and types of planting materials adjacent to the Broadway frontage;
4. All landscaping improvements being completed within ninety (90) days of the effective date of this ordinance;
5. Construction of a six-foot (6') masonry screen wall along the south boundary of the property;
6. No auto display adjacent to the Broadway frontage. Vehicles displayed for sale being limited to no more than ten (10);
7. No long-term outdoor storage of inoperable vehicles or automotive repair materials on the property in question or the residential property to the south of the subject site;
8. All auto repair or reconditioning of vehicles for resale taking place within the enclosed building; and
9. Completion of all the site improvements within ninety (90) days from the effective date of the ordinance.

13. Consider adopting an ordinance amending the City Code as follows:

- a. Amending Sections 11-6-1, 11-6-2, 11-6-4, 11-7-2, 11-7-4, 11-8-4, 11-8-5, and 11-8-6 regarding permitted uses in the O-S, C-1, C-2, C-3, PEP, M-1, M-2, TCB-1, TCB-2, and TCC districts by providing for outdoor activities and entertainment in conjunction with specified land uses; and involving various technical and clerical changes intended for purposes of clarification of existing provisions - Ordinance No. 3163.

In response to questions from Bill Brando, 61 South Macdonald, Community Development Manager Wayne Balmer clarified that the ordinance before Council primarily involves revisions of a technical and clerical nature intended for clarification of existing provisions.

It was moved by Councilmember Stapley, seconded by Vice Mayor Jensen, that Ordinance No. 3163 be adopted.

Carried unanimously.

14. Consider adopting the following ordinance for a previously approved zoning case:

- a. **Z96-4** 2500 East Southern Avenue. Rezone from R1-43 to O-S (1.6± acres). This case involves the modification of a single-residence structure to include a chiropractic office. Clarence Freestone, owner/applicant. **COUNCIL APPROVED THE REZONING REQUEST AT THE FEBRUARY 20, 1996 CITY COUNCIL MEETING. A 3/4 VOTE WAS REQUIRED** - Ordinance No. 3164.

Jim Nelson, 2525 East Florian, spoke in opposition to the rezoning request and asked that Council reconsider their approval. Mr. Nelson referred to a letter provided to Council and related his concerns regarding the protection of property rights. Mr. Nelson expressed the

opinion that the rezoning would penalize adjacent property owners and encouraged Council to consider the Planning and Zoning Board's recommendation of denial.

In response to a question from Mayor Wong, Mr. Balmer advised that although Council voted in favor of the rezoning request at the February 20, 1996 Regular Council Meeting, the case is not approved until a corresponding ordinance is adopted. Mr. Balmer indicated that a 3/4 vote is required because of the neighborhood protest.

It was moved by Councilmember Stapley, seconded by Councilmember Johnson, that Ordinance No. 3164 be approved.

Upon tabulation of votes, it showed:

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

The Mayor declared the motion carried by majority vote.

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

- *a. **Z95-110** 5520 East Baseline Road. Rezone from AG (conceptual M-1) to M-1(2.5± acres). This case involves development of a landscaping rock and materials outlet. Kemp Morris, owner/applicant - Ordinance No. 3156.

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

1. Compliance with the basic development as shown on the site plan and elevations submitted, except as noted below;
 2. Compliance with all requirements of the Public Works Department (Engineering and Traffic Engineering, etc.);
 3. 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 variances by the Board of Adjustment;
 5. Reconsideration of this zoning case 5 years from the issuance of the sales tax license (7/6/2000);
 6. Compliance with the letter dated February 8, 1996 from Mark Maxwell which is included in the case file.
- *b. **Z96-3** 6758 East University Drive. Site Plan Review (.8 acre). This case involves development of a gas station and convenience store. Diamond Shamrock, owner/applicant - Ordinance No. 3157.

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 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 application for a building permit or at the time of the City's request for dedication, whichever comes first;
 5. Compliance with all requirements of the Subdivision Regulations for a lot split;
 6. Compliance with all requirements of the Design Review Board; and
 7. Review and approval of a Special Use Permit by the Board of Adjustment for gas pumps.
- c. **Z96-7** 2158 North Gilbert Road. Rezone from R1-43 to R-2 (3± acres). This case involves the development of an adult care facility. Steven and Andrea Lee Steele, owner; Steven Steele, applicant. **A 3/4 VOTE IS REQUIRED TO APPROVE THE APPLICANT'S REQUEST - Ordinance No. 3165.**

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

1. Compliance with the basic development as shown on the revised 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. Review and approval of a Special Use Permit by the Board of Adjustment; and
5. Compliance with the applicant's project summary as it relates to the use of the property.

Steven Steele, 2158 North Gilbert Road, owner/applicant, noted that difficulties posed by the planned widening of Gilbert and McKellips Roads and the proposed installation of a sound barrier wall approximately six feet from his existing home have prompted his rezoning request to accommodate the development of an adult care facility. Mr. Steele expressed the opinion that such a facility would provide a suitable buffer between the single-family homes to the north and the commercial development to the south and indicated that a minimum of 52 units would be required to remain economically viable.

Mr. Steele advised that he met with adjacent property owners to discuss issues such as the size of the project, irrigation lines, projected traffic volume, walls, and security. Mr. Steele indicated that he presented options to the neighbors and a plan was chosen that addressed their concerns most completely. Mr. Steele outlined the proposed layout of the facility

Linda Carrillo, 1906 East Kael, neighborhood property owner, stated concern relative to the size of the adult care facility. Ms. Carrillo indicated that the proposal before Council is much larger than the original plan and represents a commercial rather than residential venture. Ms. Carrillo commented that when meeting with Mr. Steele, neighbors did not choose one of the options presented but rather indicated which would be least intrusive. Ms. Carrillo stated that the proposal is not appropriate for this location.

Jackie Nielson, 1941 East Kael, neighborhood property owner, concurred with the remarks of Ms. Carrillo and expressed the opinion that the project has been misrepresented to neighbors. Ms. Nielson stated concern relative to what she perceives are adverse effects, particularly if the facility does not prove viable.

In response to a question from Councilmember Boyd, Mr. Balmer stated that if approved by Council as recommended, the rezoning request would be subject to the conditions identified by the Planning and Zoning Board and any future proposed change of use would require a site plan modification and public hearings before the Planning and Zoning Board and Council, with notice to neighboring property owners.

Mr. Steele stated the opinion that the proposed facility is an appropriate use of the property and is compatible with the neighborhood. Mr. Steele commented that he has attempted to address the concerns of surrounding property owners.

Mr. Steele responded to questions from Council concerning landscaping, number of residents/employees, and anticipated traffic. Mr. Steele estimated that the facility would be operational in approximately 10 to 18 months.

At the request of Councilmember Boyd, Public Works Manager Harry Kent outlined the proposed time frame for the widening of Gilbert and McKellips Roads and impacts on additional affected properties.

It was moved by Councilmember Gilbert, seconded by Councilmember Johnson, that Ordinance No. 3165 be adopted.

Councilmember Boyd stated support for the project but expressed concern that approval of the rezoning request may prompt additional requests from other property owners affected by the Gilbert/McKellips Roads construction projects.

Upon tabulation of votes, it showed:

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

The Mayor declared the motion carried by majority vote.

- *d. **Z96-9** 2935 South Dobson Road. Site Plan Modification (1± acre). This case involves the development of a drive-in restaurant. SRC Southwest, owner; B & B Consultants of Nevada, Inc., applicant - Ordinance No. 3158.

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, or at the time of the City's request for dedication whichever comes first;
4. All required trees be a 24" box size;
5. Enhanced landscaping be provided on the east side; and
6. The 6' wall on the east side be raised for noise attenuation.

- *e. **Z96-10** 960 West Southern Avenue. Rezone from R-4 to C-2 (6± acres). This case involves the addition of 50 units to an existing hotel. Stone Craft Properties, owner; John Manross, applicant - Ordinance No. 3159.

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

1. Compliance with the basic development as shown on the site plan and elevations submitted, except as noted below;
2. Compliance with all requirements of the Public Works Department (Engineering and Traffic Engineering, etc.);
3. 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; and
4. Full compliance with all current Code requirements, unless modified through appropriate review and approval of the variance outlined in the staff report.

- *f. **Z96-11** The 5600 and 5700 blocks of East Southern Avenue - north side. Modification of an approved R1-7-PAD (36± acres). This case involves the development of a 170± lot patio home project. Balcor BDC Corporation, owner; Signature Real Estate Group, Inc., applicant - Ordinance No. 3160.

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

1. Compliance with the basic development as shown on the preliminary plat and elevations submitted, except as noted below;
2. Compliance with all requirements of the Public Works Department (Engineering and Traffic Engineering, etc.);
3. 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. Compliance with the submitted project narrative;
6. Compliance with the letter dated March 4, 1996 from Signature Real Estate Group which is included in the case file;
7. Relocate "Tract B" to the northwest corner of 56th Street and East Florian Avenue and relocate lots 86 through 91 to the previous location of "Tract B",
8. A 5' landscape easement be placed along the east side of 56th Street to be maintained by the Homeowners' Association;
9. Lots 43 and 44 be converted to usable open space; and
10. Provide landscaping and usable open space at the east end of Forge Avenue by eliminating lots 128 and 129.

*g. **Z96-12** The northwest corner of Harris Drive and McKellips Road. Site Plan Modification and Rezone from O-S to C-2 (2± acres) . This case involves the development of a one story office building and a mini-storage. Michael Dubois, owner; Thomas Everson, applicant - Ordinance No. 3161.

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

1. Compliance with the basic development as shown on the site plan and elevations submitted, except as noted below;
2. Compliance with all requirements of the Public Works Department (Engineering and Traffic Engineering, etc.);
3. 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 outlined in the staff report;
5. Review and approval of a Special Use Permit by the Board of Adjustment for a mini-storage;
6. Compliance with the letters dated February 1, and February 7, 1996 from Thomas H. Everson; and
7. Provide an eight foot high block wall at the north property line.

*h. **Z96-13** The northwest corner of West Fairway Drive and North Country Club Drive. Site Plan Modification (4.87 acres). This case involves the development of a 140 unit apartment complex for senior citizens. Housing Resource Corp., owner; p/d Architects LLC, applicant - Ordinance No. 3162.

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

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

3. 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. All street improvements and perimeter landscaping to be installed in the first phase of construction;
5. Compliance with all requirements of the Design Review Board;
6. If deemed necessary by the City, additional parking (to meet a 1:1 ratio) be provided subject to staff review; and
7. Compliance with the submitted project narrative.

16. Consider the following subdivision plats:

- *a. "VILLAS AT RED MOUNTAIN" - The 6700 block of East Preston Street (north side). 78 R-2-PAD DMP patio home lots (10.5 acres). Stardust Development, Inc., developer; Paulsell & Assoc., engineer.
- *b. "MAIN STREET PLAZA" - The 1200 block of West Main Street (south side). 7 C-2 commercial lots (12.7 acres). Park West Development, developer; American Engineering Co., engineer.

17. Adjournment.

It was moved by Councilmember Gilbert, seconded by Councilmember Stapley, that the Regular Council Meeting adjourn at 9:23 p.m.

Carried unanimously.

WILLIE WONG, MAYOR

ATTEST:

BARBARA JONES, CITY CLERK

Regular Council Meeting
March 18, 1996
Page 17

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 18th day of March 1996. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 19th day of April 1996

BARBARA JONES, CITY CLERK