

COUNCIL MINUTES

June 17, 1996

The City Council of the City of Mesa met in a Regular Council Meeting the Council Chambers, 57 East 1st Street, on June 17, 1996 at 5:30 P.M.

COUNCIL PRESENT

Mayor Wayne Brown
Pat Gilbert
John Giles
T. Farrell Jensen
Dennis Kavanaugh
Joan Payne
Jim Stapley

COUNCIL ABSENT

None

POLICE OFFICER
PRESENT

Bonifacio Gonzalez
Stephen Clark

OFFICERS PRESENT

C.K. Luster
Neal Beets

The Invocation was given by Councilmember Jensen.

The Pledge of Allegiance was led by Officer Bonifacio Gonzalez.

Presentation of plaques to citizens ending their service on the City's citizen advisory boards and committees.

Mayor Brown presented plaques to individuals ending their service on Mesa's various board and committees and expressed appreciation to each for their contributions to the City.

1. Approval of minutes of previous meeting as written.

It was moved by Councilmember Stapley, seconded by Councilmember Jensen, that the minutes of May 31, 1996 and June 3, 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 Vice Mayor Gilbert, seconded by Councilmember Stapley, that the consent agenda items be approved.

Carried unanimously.

3. Conduct a public hearing on proposed utility rates and related components.

Mayor Brown announced that this is the time and place for a public hearing on proposed utility rates and related components.

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

4. Conduct a public hearing on the proposed Fiscal Year 1996-97 budget plan. (See item 5 for information.)

Mayor Brown announced that this is the time and place for a public hearing on the proposed Fiscal Year 1996-97 budget plan.

John DeShetler, Main Street Billiards, 1749 West Main Street, questioned the amount of monies spent to date by the City in retaining Steptoe and Johnson to represent Mesa relative to Proposition 200. Mr. DeShetler questioned whether sufficient funds have been included in the budget for litigation purposes.

City Attorney Neal Beets advised that the City has retained Steptoe and Johnson but has not yet spent any monies. Mr. Beets stated that funds have been included in the budget for outside legal services.

Bill Brando, 61 South Macdonald, expressed concern that the new Council has not had sufficient time to thoroughly review the proposed FY 1996-97 budget. Mr. Brando requested that Council delay adoption of the budget plan pending further review and public hearings.

Mayor Brown noted that the new Councilmembers met with the previous Council for approximately a month prior to taking office to review the proposed budget. Mr. Brown commented that the issue before Council tonight is tentative adoption, with final approval scheduled for the July 1, 1996 Regular Council Meeting.

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

5. Consider tentative adoption of the proposed Fiscal Year 1996-97 budget plan.

It was moved by Vice Mayor Gilbert, seconded by Councilmember Jensen, to approve the tentative adoption of the proposed Fiscal Year 1996-97 budget plan, with operating funds of \$395,245,000 and net bond resources of \$134,281,110, for a total of \$529,526,110.

Vice Mayor Gilbert noted that the budget plan reflects Council's interest in maintaining adequate contingency funds.

Carried unanimously.

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

- *a. Adjustment Board meeting - June 4, 1996.
- *b. Design Review Board meeting - June 12, 1996.
- *c. Downtown Development Committee meeting - June 13, 1996.
- *d. Economic Development Advisory Board meeting - June 12, 1996.
- *e. Parks & Recreation Board meeting - June 13, 1996.

7. Consider the following liquor license applications:

*a. LORILEE JOHNSON, ETAL

New restaurant license for Islands Fine Burgers & Drinks, 1665 South Alma School Road. The license previously held at this location by Lorilee Johnson, Agent, Islands Restaurants, Inc., will revert back to the State.

*b. BUDDIE A. JOHNSON, ETAL

New restaurant license for Las Sendas Golf Club, 7555 East Eagle Crest Drive. The beer and wine bar license presently held at this location by Buddie A. Johnson, Etal, Las Sendas Golf Club, will remain with the applicant.

c. MARILYN E. JOYCE, AGENT

Person and location transfer bar license for The Hambone, 903 East Main Street. This transfer is from William Hendrick, Agent, Palms Buffet, 409 Monroe Avenue, Buckeye, to Marilyn E. Joyce, Agent, Memories & Dreams, Inc., 903 East Main Street. **(THIS APPLICATION WAS CONTINUED FROM THE JUNE 3, 1996 CITY COUNCIL MEETING).**

Jerry Lewkowitz, Walker-Ellsworth, 3101 North Central Avenue, #1500, Phoenix, representing the applicant, provided background information concerning operation of the Hambone and the current proposal by Marilyn Joyce to change the name of the facility to Memories and Dreams, Inc. Mr. Lewkowitz stated that Ms. Joyce is requesting a bar liquor license, noting that a recent State audit found food sales at less than the required 40 percent for operation as a restaurant and Ms. Joyce is concerned regarding her ability to continue to meet the requirement. Mr. Lewkowitz referred to 1985 legislation which required 25 percent food sales and said that Ms. Joyce is asking to be grandfathered and allowed to operate under a bar liquor license, although she intends to continue to operate the business as a restaurant.

At the request of Vice Mayor Gilbert, City Attorney Neal Beets clarified differences between a Class 6 (bar) and Class 12 (restaurant) liquor license. Mr. Beets stated that under Mesa's zoning code, restaurants are required to operate in C-2 zones and bars are allowed only in C-3, M-1, and M-2 zones. Mr. Beets noted that the Hambone is located in a C-2 zone.

Mr. Lewkowitz responded to questions from Vice Mayor Gilbert concerning the proposed operation of the establishment.

It was moved by Vice Mayor Gilbert, seconded by Councilmember Jensen, that the person and location transfer bar license be denied.

Upon tabulation of votes, it showed:

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

Mayor Brown declared the motion carried by majority vote.

7.1. Consider the reappointment of Judges Rebecca Standage and Walter Switzer for two-year terms.

It was moved by Vice Mayor Gilbert, seconded by Councilmember Stapley, that Judges Rebecca Standage and Walter Switzer be reappointed for two-year terms.

Councilmember Jensen commended City Court personnel for their work.

Carried unanimously.

8. Consider the following contracts:

*a. Annual supply contract for traffic signal lamps for warehouse inventory to be used by the Transportation Division.

The Purchasing Division recommends accepting the only bid by Duro-Test Corp. at \$26,690.40 plus 5% use tax of \$1,334.52 for a total of \$28,024.92.

*b. One new brush chipper to be used for tree trimming as requested by the Electric Department.

The Purchasing Division recommends accepting the low bid meeting specification by Vermeer Sales Southwest Inc. at \$18,183.00 plus 7.25% sales tax of \$1,353.43 plus auto feed control system at \$485.00 and optional maintenance at \$168.00 for a grand total of \$20,189.43.

*c. One DS3 Digital Communications Test Set used to test the 11GHz microwave systems as requested by the Communications Division.

The Purchasing Division recommends accepting the only bid by T-COM Corp. at \$19,840.00 plus 5.0% use tax of \$992.00 for a total of \$20,832.00.

- *d. One communications system analyzer to test radio function and adjust frequency for transmit and receive functions as requested by the Communications Division.

The Purchasing Division recommends accepting the low bid by Motorola Test Equipment at \$16,128.11 including applicable sales tax and the extended warranty.

- *e. One traffic video and communication system to be used to monitor traffic conditions and assist in limiting traffic congestion as requested by the Transportation Division.

The Purchasing Division recommends accepting the low bid by Jerry E. Fondaw & Associates Inc. at \$18,376.25 plus labor of \$5,620.00 and 7.05% sales tax on material of \$1,295.52 for a combined award of \$25,291.77.

- *f. Three automotive parts washers as requested by Fleet Support Services.

The Purchasing Division recommends accepting the low bid meeting specification by Superior Cleaning Equipment, Inc. at \$32,085.00 plus 7.05% sales tax of \$2,261.99 for a total of \$34,346.99.

- *g. Ten internally illuminated street name signs as requested by the Transportation Division.

The Purchasing Division recommends exercising an additional purchase option from RFB #95019 with the low bidder, Fluoresco Lighting-Sign at \$23,930.00, including applicable sales tax.

- *h. Five replacement fire pumper trucks for the Fire Department.

The Purchasing Division concurs with the evaluation team's recommendation to accept the highest rated proposal by Pierce Manufacturing for five Pierce Quantum pumpers at \$1,207,460 plus 5% use tax of \$60,373.00 for a total award of \$1,267,833.00.

- *i. Fiber-optic cable for projects involving City Court, Fire Department, and Community Services Department as requested by the Information Services Division.

The Purchasing Division recommends accepting the low bid by Anixter, Inc. at \$58,800.00 plus 6.95% sales tax of \$4,086.60, for a total of \$62,886.60.

- *j. Computer network hardware for the 1st, 5th, and 6th floors of Mesa City Plaza as requested by the Information Services Division.

The Purchasing Division recommends authorizing purchase from the State of Arizona contract with AmeriData at \$75,651.00 plus 7.05% sales tax of \$5,333.40, for a total of \$80,984.4; and Cisco Systems, Inc. at \$18,135.00 plus 7.05% sales tax of \$1,278.52, for a total of \$19,413.52. The combined award is then \$100,387.92.

- *k. 6" and 4" high-pressure gas mains; University Drive, Sossaman Road, and Southern Avenue.

This project will install a 4" high-pressure gas main on Southern Avenue, Sossaman Road to 70th Street; and a 6" high-pressure gas main on Sossaman Road, Southern Avenue to University Drive, and on University Drive, Power Road to Sossaman Road, including an underground regulator station on University Drive.

Recommend award to low bidder, Northern Pipeline Construction Company, in the amount of \$383,228.73.

- *l. 95/96 neighborhood lighting.

This is a federally funded project of the Department of Housing and Urban Development (HUD) Community Development Block Grant (CDBG) that will improve the street lighting system in an older Mesa neighborhood bounded by South Horne Street on the east, East 8th Avenue on the south, South Hobson Street on the west, and East Broadway on the north.

Recommend award to low bidder, Contractors West, Inc., in the amount of \$199,844.00.

- *m. Washington Park improvements and Escobedo Park improvements CDBG.

This is a federally funded project of the Department of Housing and Urban Development (HUD) Community Development Block Grant (CDBG) that will install play area equipment, shade ramadas, area lighting, and concrete walkways at Washington Park, located at East 5th Street and North Pima, and Escobedo Park, located at Hibbert and 6th Street.

Recommend award to low bidder, A. C. Taylor Contracting, in the amount of \$151,072.30.

- *n. South Greenfield Road improvements and miscellaneous sidewalk installation.

This project will widen the west half of South Greenfield Road adjacent to the retention basin frontage just north of the Superstition Freeway, and it will install a sidewalk at several locations on North 22nd Street and North 48th Street.

Recommend award to low bidder, KrisDan Company, Inc., in the amount of \$87,955.00.

- *o. East Southern Avenue storm drain (Gilbert Road to 24th Street).

This project will improve drainage facilities by extending the storm sewer on East Southern Avenue from Gilbert Road to approximately 400 feet east of 24th Street.

Recommend award to low bidder, Nesbitt Contracting Co., in the amount of \$267,782.00.

- *p. Spring training facility at Fitch Park.

This project will construct a new spring training facility at Fitch Park, including a new clubhouse, new practice fields, and new parking lots for fans and the City's Communication Building.

Recommend award to low bidder, Conelly Construction Inc., in the amount of \$6,595,700.00.

- *q. Superstition Springs Auto Mall water and sewer improvements.

This project involves the installation of water, sewer, and gas improvements to the Superstition Springs Auto Mall.

Recommend award to second low bidder, Nesbitt Contracting Co., Inc., in the amount of \$192,413.00.

- *r. Modular workstations for the second floor of the Municipal Building.

The Purchasing Department recommends authorizing purchase from the State of Arizona contract with Goodman's Inc. for a total of \$26,144.72, including materials, design services, delivery, installation, and applicable sales tax.

- *s. Forty-one replacement ergonomic task chairs as requested by the City Court Department.

The Purchasing Department recommends authorizing purchase from the State of Arizona contract with Goodman's Inc. at \$15,313.91 plus 7.05% sales tax of \$1,079.63 for a total of \$16,393.54.

- *t. Aircraft and airport liability insurance coverage as requested by the Risk Management section of the City Attorney's Office.

The Purchasing Division recommends accepting the lowest priced proposals meeting specification as follows:

Aircraft liability insurance from Associated Aviation Underwriters (AAU) offered through Sedgewick James of Arizona at an initial annual premium of \$111,024.00; and

Airport liability insurance from AIG/National Union offered through Arthur J. Gallagher & Company at an initial annual premium of \$12,000.00.

The combined award is then \$123,024.00. In addition, it is recommended that the Sedgewick James Agency and Arthur Gallagher Agency be established as the brokers of record for the coverages listed above for a three-year period expiring on June 30, 1999. In so doing, they become responsible for managing our coverage and negotiating renewal policies for the next three years.

9. Introduction of the following ordinances and setting July 1, 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. Modifying the terms and conditions for the sale of utilities as recommended by the Finance and Utility Committees.

It was moved by Vice Mayor Gilbert, seconded by Councilmember Stapley, to introduce an ordinance modifying the terms and conditions for the sale of utilities as recommended by the Finance and Utility Committees.

Councilmember Giles commented that this is the first time in many years that an increase in utility rates has not been proposed.

Carried unanimously.

- b. Requiring the installation of 3/4" (min) water meters on 1" water service lines; adjusting the price of 6" and 8" water meters and deleting 2" compound water meters as an option; and adjusting fees by 10% for the installation of gas, water, and wastewater service lines as recommended by the Finance and Utility Committees.

It was moved by Vice Mayor Gilbert, seconded by Councilmember Jensen, to introduce an ordinance requiring the installation of 3/4" (min) water meters on 1" water service lines; adjusting the price of 6" and 8" water meters and deleting 2" compound water meters as an option; and adjusting fees by 10% for the installation of gas, water, and wastewater service lines as recommended by the Finance and Utility Committees.

Carried unanimously.

- c. Modifying rate schedules for solid waste utility-related services as recommended by the Finance and Utility Committees.

It was moved by Councilmember Stapley, seconded by Vice Mayor Gilbert, to introduce an ordinance modifying rate schedules for solid waste utility-related services as recommended by the Finance and Utility Committees.

Carried unanimously.

- d. Amending Sections 8-3-2, 8-3-4, 8-3-5, 8-3-9, 8-3-28, 8-3-29, 8-3-30, 8-3-31, and 8-3-32 of the Mesa City Code; repealing Sections 8-3-10 and 8-3-23 of the Mesa City Code; and adopting a new Section 8-3-10 and Article IV to Chapter 3 of Title 8 to the Mesa City Code as recommended by the Finance and Utility Committees.

It was moved by Councilmember Jensen, seconded by Councilmember Stapley, to introduce an ordinance amending Sections 8-3-2, 8-3-4, 8-3-5, 8-3-9, 8-3-28, 8-3-29, 8-3-30, 8-3-31, and

8-3-32 of the Mesa City Code; repealing Sections 8-3-10 and 8-3-23 of the Mesa City Code; and adopting a new Section 8-3-10 and Article IV to Chapter 3 of Title 8 to the Mesa City Code as recommended by the Finance and Utility Committees.

Carried unanimously.

- *e. CZ96-2TC 137 North Robson Street rezone from TCR-2-HP to TCR-2HP-PAD. This case involves the request to establish a planned area development overlay for a residential property historically know as Roselea Court located at 137 North Robson Street. The applicant is also requesting approval of variances to; 1) to allow for a PAD Overlay Zoning with a overlay zoning with a total site area of .78 acres; 2) to reduce the required minimum setbacks for the front and rear yards of the lots; 3) to reduce the required minimum lot size; 4) to accommodate the height of the proposed wrought iron fence and entry gate in the development site's front yard setback; 5) to reduce the on-site parking requirement from 13 spaces to 8 spaces; 6) to accommodate an alternative surface material for the driveway; and 7) to reduce the required 10' wide landscape strip adjacent to the property line and to reduce the on-site landscaping required in such strip.
- *f. Relating to auctioneers, pawnbrokers, scrap metal dealers, and secondhand dealers; amending Sections 5-7-2 and 5-7-3 of the Mesa City Code.

10. Consider the following ordinances:

- *a. Prohibiting parking on Hawes Road from the north City limits to south City limits, on the south side of McLellan Road from a point 330 feet east of Country Club Drive to a point 105 feet east of Freeman, and on the north side of McLellan Road from a point 330 feet east of Country Club Drive to Freeman; reducing the speed limit from 30 mph to 25 mph on McLellan Road from Val Vista Drive to a point 485 feet east of Ogden and on 40th Street from Brown Road to McLellan Road; and reducing the speed limit from 35 mph to 30 mph on Home from Lehi Road to the north City limits, all as recommended by the Traffic Safety Committee - Ordinance No. 3188.

11. Consider the following resolutions:

- *a. Authorizing the extension of the intergovernmental agreement with the Mesa Unified School District - Resolution No. 6916.

This agreement will continue the sharing of appropriate staff and data resources between the City of Mesa Planning Division and the Mesa Unified School District.

- *b. Vacating a portion of public roadway south of Baseline and east of Ellsworth Road - Resolution No. 6917.

Area is being subdivided and the road right-of-ways are no longer needed.

- *c. Extinguishing an easement for highway purposes south of Baseline and east of Ellsworth Road -Resolution No. 6918.

Area is being subdivided and the easement is no longer needed.
- *d. Authorizing the City Manager to execute an intergovernmental agreement with the Arizona Department of Economic Security concerning day treatment and training services - Resolution No. 6919.
- *e. Authorizing the City Manager to execute an intergovernmental agreement with the Arizona Board of Regents for Arizona State University East, the City of Mesa, the Maricopa County Community College District, and the Maricopa County Regional School District for East Valley High School relating to police services at the Williams Educational Campus - Resolution No. 6920.

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

- a. 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 - Ordinance No. 3194.

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 loudspeakers 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.

Mayor Brown 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.

Mayor Brown yielded the gavel to Vice Mayor Gilbert for discussion of this item.

Krishna Harracksingh, 1711 East 1st Street, stated opposition to the Council Use Permit. Mr. Harracksingh expressed the opinion that the proposal is both negligent and illegal and undermines the tangible and intangible value of the property.

(Kirby Allan, 2143 East Hackamore, spoke concerning the new Council and recommended that Mesa be exempted from all taxes levied on the sale of tobacco and tobacco products given the restrictions of Proposition 200.)

Lavonne Lee, 130 East Main Street, representing residents of the A-1 Trailer Park, spoke in opposition to the Brown and Brown proposal. Ms. Lee noted the limited availability of low-cost housing within the City and difficulties presented when tenants are required to relocate.

Bill Brando, 61 South Macdonald, requested that Council guarantee the relocation of residents required to move as a result of the redevelopment plan.

Julie Pace, 2853 East Minton, representing the Downtown Development Committee, commented that the redevelopment proposal provides for a long-term sales tax revenue stream and presents an opportunity to connect the City's Temple/Pioneer Park corridor with the downtown corridor. Ms. Pace stated that relocation assistance will be offered to residents through the City and various agencies. Ms. Pace requested that Council approve the Use Permit for Brown and Brown.

Dave Wier, 5421 East Fountain Circle, representing the Mesa Chamber of Commerce, expressed the opinion that the proposal will allow the City to retain a substantial tax base in the downtown area and represents an important investment in Mesa's future. Mr. Wier encouraged Council approval of the Use Permit.

Tom Verploegen, representing the Mesa Town Center Corporation, 58 West Main Street, stated that the MTCC Board of Directors recommends approval of the Council Use Permit. Mr. Verploegen commented that the area was established as a redevelopment site in 1981 and citizens have had 15 years' notice of possible redevelopment. Mr. Verploegen said that consideration has been offered on behalf of both the City and Brown and Brown and that the proposal is appropriate for Mesa's long-term needs, particularly in the downtown area.

Councilmember Payne requested information from Mr. Verploegen pertaining to assessments to be collected from the proposed garage.

C. Max Killian, 40 North Center, representing Brown and Brown, stated that the redevelopment proposal is an integral part of the plan for a revitalized downtown that will benefit the City as well as surrounding businesses. Mr. Killian noted efforts to be undertaken by the City to assist in the relocation of residents and advised that the City has

executed a contract with Brown and Brown for the redevelopment plan. Mr. Killian encouraged approval of the Council Use Permit.

In response to a question from Councilmember Stapley, Mr. Killian said that he is not aware of any objections to the proposal from affected property owners.

At the request of Councilmember Kavanaugh, City Attorney Neal Beets clarified that approval of CUP96-1TC is the final step necessary to allow the expansion of the existing Brown and Brown Chevrolet. Mr. Beets indicated that financing arrangements were addressed in the resolution previously adopted by Council to approve the project and in the subsequent contract executed by both parties. Mr. Beets stated that the Use Permit includes conditions for landscaping, lighting, etc.

In response to a question from Councilmember Giles, Community Development Manager Wayne Balmer outlined the benefits package that would be provided by the City to assist residents in relocating. Mr. Balmer said that a private individual interested in purchasing the property would have no obligation to provide benefits to tenants.

It was moved by Councilmember Stapley, seconded by Councilmember Jensen, that Ordinance No. 3194 be adopted.

Councilmember Payne spoke in opposition to the redevelopment proposal and the Council Use Permit. Councilmember Payne noted the importance to Mesa of small as well as large businesses and expressed concern pertaining to public benefit from the plan with Brown and Brown.

Councilmember Kavanaugh stated that he would have preferred a leasing agreement with Brown and Brown but said that the City has an obligation to comply with the contract already executed. Councilmember Kavanaugh indicated that he has no objections to the conditions of the Council Use Permit.

Vice Mayor Gilbert spoke concerning the projected revenue stream and anticipated benefits to surrounding businesses. Vice Mayor Gilbert encouraged assistance in relocating residents.

Upon tabulation of votes, it showed:

AYES - Gilbert-Giles-Jensen-Kavanaugh-Stapley
NAYS - Payne
ABSENT - None
ABSTAIN - Brown

Vice Mayor Gilbert declared the motion carried by majority vote.

(At 7:17 p.m., Vice Mayor Gilbert called for a short recess. The meeting reconvened at 7:28 p.m., at which time Vice Mayor Gilbert yielded the gavel to Mayor Brown.)

13. Consider the following cases from the Planning and Zoning Board and possible adoption of the corresponding Ordinances:

- a. **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 - Ordinance No. 3195.

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

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(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. **(THIS CASE WAS CONTINUED FROM THE MAY 20, 1996, CITY COUNCIL MEETING. A ¾ VOTE IS REQUIRED TO APPROVE THIS REQUEST.)**

Franklin Little, 2424 East Southern Avenue, applicant, presented background information pertaining to the request for rezoning. Dr. Little delineated current traffic problems relative to ingress/egress to/from his home and improvements proposed to accommodate the proposed use as a medical-dental office.

Linda Porter, 2340 East Flossmoor Circle, stated opposition to the rezoning and advised that surrounding property owners have submitted letters and petitions in protest. Ms. Porter expressed concern pertaining to increased traffic, particularly on 24th Street, and decreased property values. Ms. Porter requested that Council deny the request for rezoning.

Stan Turley, 2650 East Southern Avenue, spoke in support of the request. Mr. Turley commented that changes to the neighborhood have rendered properties undesirable for residential purposes and that utilization as offices is more suitable.

Ty Rowley, 2517 East Florian, expressed the opinion that property owners in the area are unable to sell their homes to families and that office use is appropriate. Mr. Rowley stated support for the rezoning request.

Clarence Freestone, 2500 East Southern, spoke in favor of the rezoning and stated the opinion that traffic will not be increased.

In response to a question from Councilmember Giles, Dr. Little noted what he believes are safety factors associated with exiting onto Southern Avenue but stated that if necessary, he would be amenable to eliminating the exit onto 24th Street as a condition for rezoning. Dr. Little expressed the opinion that individuals in opposition have exaggerated concerns related to traffic and property values.

Council and staff spoke concerning the proposed site layout, existing traffic patterns in the area, and potential driveway realignment.

It was moved by Vice Mayor Gilbert, seconded by Councilmember Giles, that Ordinance No. 3195 be adopted with the stipulation that the entrance on Southern Avenue be moved further east and the exit onto 24th Street be eliminated as a requirement of the Public Works Department.

Upon tabulation of votes, it showed:

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

Mayor Brown declared the motion carried by majority vote.

- *b. **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). **(TO BE CONTINUED TO THE JULY 1, 1996 CITY COUNCIL MEETING.)**

- *c. **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.

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. **(TWO ORDINANCES INTRODUCED; PLANNING & ZONING RECOMMENDATION AND COUNCIL OPTION. TO BE CONTINUED TO THE AUGUST 26, 1996 CITY COUNCIL MEETING).**

- d. **Z96-30** 625 East McKellips Road. Rezone from C-2 to C-3 (1± acre). This case involves rezoning of an existing retail center to accommodate a furniture store. Alan J. Parry, owner/applicant.

P&Z Recommendation: Denial. (Vote 6-1.)

It was moved by Vice Mayor Gilbert, seconded by Councilmember Stapley, that Zoning Case Z96-30 be denied.

Carried unanimously.

- *e. **Z96-31** South of the southwest corner of McKellips Road and Home. Rezone from R1-43 to R1-6 (5.5± acres). This case involves a 31 lot single residence subdivision. Sitrine Family Trusts, owner; EPJ & Associates, applicant – Ordinance No. 3189.

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

1. Compliance with the basic development as shown on the preliminary plat 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; and
 5. Subject to existing property boundary encroachments.
- f. **Z96-32** The 4100 block of East McClellan Road - north side. Rezone from R1-35 to R1-35-PAD (20± acres). This case involves a 21-lot, single-residence subdivision. Citrus JV, owner; Gary Finlinson, applicant - Ordinance No. 3196.

P&Z Recommendation: None. Majority vote was not achieved.

Bob Proehl, 6360 East Thomas, Scottsdale, representing the applicant, outlined the proposed development and steps taken to address concerns relative to landscaping, common areas, and lot configuration. Mr. Proehl expressed the opinion that the project design justifies the 21 lots proposed (as opposed to staff's recommendation of 20 lots) and is compatible with the surrounding neighborhood.

In response to questions from Vice Mayor Gilbert, Mr. Balmer provided information pertaining to lot configurations. Mr. Balmer advised that staff's concern relates primarily to the proximity of the development to Falcon Field.

Councilmember Gilbert noted comments previously expressed by individuals regarding property located near Falcon Field and stated support for staff's recommendation of 20 lots.

Mayor Brown expressed appreciation for the quality of the project and said that he favors the proposal for 21 lots.

Councilmember Stapley stated concern that a precedent would be set if Council approved the request for 21 lots. Councilmember Stapley spoke in favor of 20 lots.

Councilmember Giles commented that 21 lots are permitted under City regulations. Councilmember Giles said that the proposal represents the type of high-quality development the City encourages and that he would support the request for 21 lots.

It was moved by Councilmember Giles to approve the zoning request with the stipulation that the number of lots be set at 21.

Mayor Brown declared the motion dead for lack of a second.

It was moved by Vice Mayor Gilbert, seconded by Councilmember Stapley, that Ordinance No. 3196 be adopted with the stipulation that the number of lots be reduced to 20.

Upon tabulation of votes, it showed:

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

Mayor Brown declared the motion carried by majority vote.

*g. **Z96-33** 2920 East Baseline Road. Site Plan Modification (3± acres). This case involves development of a mini-storage facility. John Rang, owner; Greg Hitchens, applicant - Ordinance No. 3190.

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. Compliance with all requirements of the Design Review Board; and
5. Review and approval of a Special Use Permit by the Board of Adjustment.

*h. **Z96-35** The northwest corner of Signal Butte Road and Southern Avenue. Rezone from R1-9-DMP to R1-9-PAD, R1-7, R1-7-PAD, R1-6, and Conceptual R1-9-PAD, R1-7, R1-6, R1-6-PAD, R-3, R-2, C-2, and PF) with a DMP overlay (580± acres). This case involves a Development Master Plan with single-residence, multi-residence, and commercial land uses. J.A. Farnsworth, Jr. owner; Denro Developments, Ltd, applicant - Ordinance No. 3191.

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. Review and approval by the Planning and Zoning Board and City Council of future 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 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 the project narratives submitted by the applicant.
- i. **Z96-36** The northwest corner of Clearview Avenue and Superstition Springs Boulevard. Site plan review (18± acres). This case involves the development of an 83,000-square foot theater complex and two restaurant pad buildings. The Anz Company, owner; C.C.B. & C., Inc., applicant - Ordinance No. 3197.

P&Z Recommendation: Approval with conditions. (Vote 6-0-1).

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. Compliance with all requirements of the Subdivision Technical Review Committee;
5. Compliance with all requirements of the Design Review Board;
6. All pad buildings to be architecturally compatible with the center;
7. Full compliance with all current Code requirements, unless modified through appropriate review and approval of the variance(s) outlined in the staff report; and
8. Review and approval of a Special Use Permit by the Board of Adjustment for a comprehensive sign plan.

Paul Ladensack, C.C.B.& C., Inc., 818 North 1st Street, applicant, reviewed the proposed site plan for the project, including landscaping, pedestrian links, architecture, and compatibility with surrounding neighborhoods. Mr. Ladensack indicated agreement with the conditions for approval as recommended by the Planning and Zoning Board.

Donald Westcott, 7126 East Juanita Avenue, spoke in opposition to the zoning request, noting concern relative to parking, increased pedestrian traffic in neighborhoods, and street/lighting design for exiting vehicles. Mr. Westcott expressed the opinion that the site is not suitable for the proposed development.

Michael Kovalchik, 7110 East Juanita Avenue, said that he does not support the proposal, which he believes will lead to increased problems relative to traffic, noise, and safety, as well as a potential for loitering near lakes in surrounding neighborhoods. Mr. Kovalchik suggested that if the zoning request is approved, funds be provided to provide gates at entrances to neighborhoods and around lakes.

Rosemary Callahan, 7134 East Juanita, expressed concern regarding the proposed location and layout of the complex, in addition to anticipated increases in traffic and noise. Ms. Callahan noted the number of residences in close proximity to the site.

Richard Walker, 1741-76 South Clearview, spoke relative to expected increases in traffic, difficulties associated with access to/from the complex, and security. Mr. Walker requested that consideration be given to providing gates for surrounding neighborhoods.

Brett Ariz, developer, delineated steps taken to address the concerns of neighbors and to improve the quality of the project, including use of a local theater operator (Harkins), parking in excess of Code requirements, several points of vehicular access, and various security measures.

Dan Harkins, theater operator, provided background information concerning his family's business. Mr. Harkins expressed the opinion that the proposed project will not have a detrimental effect on neighborhoods and will not increase traffic and loitering. Mr. Harkins noted that the plan includes attractive architecture and plentiful parking. Mr. Harkins delineated proposed security measures.

In response to a question from Councilmember Jensen, Traffic and Streets Director Ron Krosting stated that should this project be approved, staff would conduct a traffic study following the opening of the theater to determine any changes necessary relative to streets and traffic lights.

It was moved by Councilmember Stapley, seconded by Vice Mayor Gilbert, that Ordinance No. 3197 be adopted.

Upon tabulation of votes, it showed:

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

Mayor Brown declared the motion carried by majority vote.

*j. **Z96-37** 3960 East Broadway. Rezone from R-4 to C-1 (1± acre). This case involves the establishment of commercial zoning for an existing beauty shop and the adjacent vacant lot. Charlotte Griffith, owner; Barry Pietz, applicant - Ordinance No. 3192.

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. Phase 2 development plans to comply with all Design Review requirements;
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; and

5. Full compliance with all current Code requirements, unless modified through appropriate review and approval of the variance(s) outlined in the staff report.

*k. **Z96-38** 5524 East Baseline Road. Rezone from AG (Conceptual M-1) to M-1 (2.29 acres). This case involves the development of an office (Phase 1) and truck/trailer rental facility (Phase 2). Lynn Urry, owner; Malcolm Pace, applicant - Ordinance No. 3193.

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. Phase 2 development plans to comply with all Design Review requirements;
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; and
5. Improvement of Phase II landscaping and walls at the time of its development.

14 Consider the following subdivision plats:

- *a. "MAP OF DEDICATION FOR RIDGEVIEW PLAZA" - The 2800 block of North Power Road (west side). Carlton Square Associates Property Limited Partnership, developer; O'Neill Engineering, Inc., engineer.
- *b. "CITRUS MANOR" - The 1500 block of North 40th Street (west side). 14 R1-35-PAD single-residence lots (13.5 acres). Mc40th Development, L.L.C., developer; Ace Engineering, Inc., engineer.

15. Adjournment.

It was moved by Councilmember Stapley, seconded by Vice Mayor Gilbert, that the Regular Council Meeting adjourn at 8:55 P.M.

Carried unanimously.

WAYNE BROWN, MAYOR

ATTEST:

BARBARA JONES, CITY CLERK

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I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the Regular Council Meeting of the City Council of Mesa, Arizona, held on the 17th day of June 1996. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 5th day of July 1996

BARBARA JONES, CITY CLERK