

COUNCIL MINUTES

March 4, 1996

The City Council of the City of Mesa met in a Regular Session in the Council Chambers, 57 East 1st Street, on March 4, 1996 at 5:35 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

Lee White

OFFICERS PRESENT

C.K. Luster
Neal Beets
Barbara Jones

The invocation was given by Assistant Pastor Robert Jimenez, New Life Assembly of God.

The Pledge of Allegiance was led by Chance Tyler, Troop No. 152.

1. Approval of minutes of previous meetings as written.

It was moved by Councilmember Stapley, seconded by Vice Mayor Jensen, that the minutes of February 20 and 23, 1996 be approved.

Carried unanimously.

1.1. Hold a public hearing concerning Special Improvement District No. 238.

Mayor Wong announced that this is the time and place for a public hearing regarding Special Improvement District No. 238.

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

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 Jensen, seconded by Councilmember Boyd, that the consent agenda items be approved.

Carried unanimously.

3. Continuation of the public hearing concerning a program utilizing photo radar implementation.

Mayor Wong announced that this is the time and place for the continuation of a public hearing regarding a program utilizing photo radar implementation. Mayor Wong added that because of time restraints at the February 20, 1996 public hearing on this issue, several citizens were unable to voice their comments. Mayor Wong stated that the citizens who were unable to previously address the Council would be allowed to provide their input prior to receiving additional comments from citizens in the audience.

Manny Cortez, 2837 East Emelita, expressed concerns relative to the implementation of photo radar in Mesa and urged the Council to consider the input of citizens relative to this issue.

Dallas Dial, 858 East 10th Street, expressed the opinion that violating traffic regulations is a serious offense and should be enforced but added that photo radar is not a viable solution to the problem. Mr. Dial recommended that instead of implementing photo radar, monies should be utilized to hire additional police officers to enforce traffic violations.

John Frederickson, a former Director of the Arizona Insurance Information Association and State Co-Chairman of the Arizona DUI Task Force, applauded the Council for their efforts. Mr. Frederickson briefly outlined statistics relative to accidents and fatalities and spoke in support of the photo radar implementation. Mr. Frederickson informed the Council that as a result of the utilization of photo radar in the Town of Paradise Valley, automobile insurance has been reduced.

Mike Demke, 2534 East Lockwood, stated the opinion that accidents are directly related to population density rather than speeders. Mr. Demke added that a majority of citations issued by the Police Department in Paradise Valley were written for out-of-town speeders and said that local residents are aware of the photo radar locations and avoid those areas. Mr. Demke expressed the opinion that photo radar is an effective enforcement tool and said that Paradise Valley utilizes photo radar to deter visitors from the area. Mr. Demke suggested that should the Council approve the proposal, the City should initiate changes in the program to ensure that photo radar implementation is effective and meets the specific goals of Mesa.

Cheryl Tyler, 1327 East Harvest, informed the Council that she has consistently witnessed drivers running red lights in the City and expressed the opinion that photo radar represents a

viable method of correcting this serious safety hazard. Ms. Tyler urged the Council to support the implementation of photo radar.

Robert Oldfield, 2238 South Canton, spoke in favor of photo radar and discussed the advantages of initiating the program in Mesa.

Steven Bacs, 6536 East Presidio Street, reiterated comments offered at the previous continued public hearing and stated the opinion that the hiring of 100 additional police officers to enforce traffic regulations would be more effective than the proposed photo radar program. Mr. Bacs discussed the disbandment of the DUI Taskforce in Mesa and expressed the opinion that the effectiveness of photo radar technology has not been proven to date.

Bruce Henderson, 2135 North Center Street, spoke in favor of photo radar. Mr. Henderson stated the opinion that any method that is initiated to enhance the Police Department's ability to apprehend traffic law violators, is worthwhile and will positively impact the City of Mesa.

Bill Brando, 61 South Macdonald, expressed the opinion that the granting of an exclusive franchise to a photo radar company is unconstitutional. Mr. Brando reiterated his comments from the previous public hearing and suggested alternatives such as the placement of traffic signals at all school crossings and the placement of speed bumps, especially in residential areas in close proximity to major arterials. Mr. Brando added that serious traffic offenses, such as red light violations, should be categorized the same as DUI's and urged the Council not to support the implementation of photo radar in Mesa.

Suzanne Davis, 1266 East Salado, expressed the opinion that the City of Mesa currently employs an insufficient number of police to patrol the rapidly growing City and added that violators should not be given a choice in the manner in which they are cited. Ms. Davis spoke in support of initiating the photo radar program in Mesa to enhance the safety of all citizens.

Joe Guinn, 126 West 7th Place, stated the opinion that a large number of police vehicles are parked at the main Police station and are not being utilized for patrol. Mr. Guinn added the opinion that additional officers should be hired to man the vehicles and provide increased traffic violation enforcement.

Morgan Davis, 1266 East Salado, spoke in support of photo radar and expressed the opinion that drivers who avoid Mesa because of the implementation of the program will positively rather than negatively impact the City.

Patti Torres, 921 West University, stated the opinion that the implementation of photo radar in Mesa will decrease accidents and fatalities. Ms. Torres added the opinion that one photo radar camera will take the place of nineteen police officers and urged the Council to support the program.

Phillip Lowry, 2023 West Guadalupe, expressed the opinion that photo radar will have a positive impact on the number of traffic accidents in Mesa and urged the Council to initiate a pilot test program for a specific period of time with targeted goals. Dr. Lowry added that he

would be willing to serve as a citizen volunteer and work with the Police Department on this program. Dr. Lowry stated the opinion that a citizen advisory board should be appointed to assist in the appeal process and urged Council approval of the program.

Krishna Harracasingh, 1711 East 1st Street, expressed concerns relative to the implementation of photo radar in Mesa and discussed traffic congestion, stopping distances and insurance rates. Mr. Harracasingh requested that the Council analyze this issue further in an effort to arrive at alternative solutions to the problem.

Mike Graves, 7911 East Irwin, discussed the growth of the City of Mesa and expressed the opinion that a viable solution to the increasing traffic violations and accidents would be the initiation of a moratorium on growth in the City.

Mayor Wong thanked the speakers for their comments.

There being no other speakers present to address their comments relative to this issue, Mayor Wong declared the public hearing closed.

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

*a. Crime Prevention Advisory Board meeting - February 21, 1996.

b. Downtown Development Committee retreat - February 24, 1996.

It was moved by Councilmember Boyd, seconded by Vice Mayor Jensen, to acknowledge receipt of the minutes of the Downtown Development Committee retreat.

Carried unanimously.

*c. Museum & Cultural Advisory Board meeting - February 27, 1996.

*d. Traffic Safety Committee meeting - February 20, 1996.

5. Consider the following liquor license application:

*a. DONALD P. JOY, TRUSTEE

Special Event License application of Donald P. Joy, Trustee, for Buckhorn Elks #2656, a one-day fraternal event to be held on Sunday, April 14, 1996, from 12:00 Noon to 6:00 p.m., at 4900 E. McKellips Road, Falcon Field Park.

*b. ROBERT S. KERNAGIS, PRESIDENT

Special Event License application of Robert S. Kernagis, President, for Mesa Sports Association, a three-day civic event to be held on Friday and Saturday, March 15, 1996

and March 16, 1996, from 3:00 p.m. to 12:00 Midnight, and Sunday, March 17, 1996 from 12:00 Noon to 7:00 p.m., at 1235 N. Center Street, HoHoKam Tennis Center.

*c. LINDA SUE LYONS, INDIVIDUAL

New Beer and Wine Store License for Lyons Liquors, 1530 N. Country Club Drive, #20. The Liquor Store License previously held at this location by Linda Sue Lyons, Individual will remain with the applicant.

6. Consider the following contracts:

- *a. One-year renewal of the annual supply contract for pavement striping powder for warehouse inventory to be used by the Traffic & Streets Division for striping City streets.

The Purchasing Division recommends exercising the first of two one-year renewal options with the original low bidder meeting specification, Cataphote Inc. at \$94,440.00 plus 5% use tax of \$4,722.00 for a total award of \$99,162.00 based on estimated requirements.

- *b. One-year renewal of the TimeOut community services magazines as requested by the Community Services Department.

The Purchasing Division recommends exercising the first of two one-year renewal options with the original low bid by Cox Publications at \$57,532.51 plus 5.75% sales tax of \$3,308.11 for a total of \$60,840.62 based on estimated requirements.

- *c. Microwave radio systems as requested by the Communications Division. One system will allow Mesa to dispatch units of the Apache Junction Fire District and the second will connect Mesa's Fire Station 9 (Superstition Springs Blvd. East of Power Road) to voice and data networks used by Mesa

The Purchasing Division recommends exercising an additional purchase option from RFB #94092 with the lowest overall bidder, Alcatel Network System at \$58,418.00 plus 5.0% use tax of \$2,920.90 for a total of \$61,338.90.

- d. Building Inspections Software System and related hardware as requested by the Information Services Division.

he Purchasing Division recommends accepting the proposal from Hansen Information Technologies for a Building Inspections System. Hansen's overall cost was the lowest at \$97,500.00. The Purchasing Division further recommends authorizing purchase from the state contract with Dataflex Corporation for a file server at \$19,552.00, plus sales tax of \$1,358.86, for a total of \$20,910.86, and database software and maintenance from Infinisys at \$21,726.00, plus sales tax of \$1,531.68, for a total of \$23,257.68. The evaluated five-year total is \$145,368.54.

- *e. Rhodes Junior High School Pool Office Additions.

This project will provide additional office space for pool attendants in the Rhodes Junior High School pool building.

Recommend award to low bidder, Kieborz Construction, Inc., in the amount of \$15,400.00.

- *f. Information Services Division Building Outside Air and HVAC System Improvements.

This project will upgrade and improve the air flow and cooling capacity of the outside air and HVAC System at the Information Services Division building located at the southwest corner of Centennial Way and 1st Street.

Recommend award to low bidder, Imcor Interstate Mechanical Corporation, in the amount of \$196,017.00.

- *g. Culvert Crossings for Pinal County Water Farms.

This project will replace/repair irrigation facilities related to the Pinal County Water Farms.

Recommend award to low bidder, P & R Unger Contracting, in the amount of \$32,901.00.

- *h. East Valley Alcoholism Center.

This project will expand the existing facility by constructing an additional building for the East Valley Alcoholism Center at 554 South Bellview. This is a federally funded project of the Department of Housing and Urban Development (HUD) Community Development Block Grant (CDBG).

Recommend award to low bidder, The Anderson Company, in the amount of \$164,203.00.

- *i. One video colposcopy system as requested by the Police Department.

The Purchasing Division recommends accepting the only bid by MedEquip Sales & Service at \$13,915.00 plus 7.05% sales tax of \$981.00 for a total of \$14,896.00.

7. Introduction of the following ordinance and setting March 18, 1996, as the date for the public hearing on these ordinances.

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

- *a. 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 Sixth Avenue to a point 600 feet north of Sixth 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 Eighth Street to a point 1,600 feet north of Eighth 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.
- *b. Amending Section 11-2-2 of the Mesa City Code, changing the zoning of certain property described in zoning case CZ96-1TC, adopting an official supplementary zoning map and providing penalties for the violation thereof.
- *c. **Code Amendment:** 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.
- *d. **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.
- *e. **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.
- *f. **Z96-4** 2500 East Southern Avenue. Rezone from R1-43 to O-S (1.6± acre). This case involves the modification of a single residence structure to include a chiropractic office. Clarence Freestone, owner/applicant.
- *g. **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.

- *h. **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.
- *i. **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.
- *j. **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.
- *k. **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.
- *l. **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.

8. Consider the following resolutions:

- a. Approving the assessments for Assessment District No. 238 - Resolution No. 6877.

In response to a question from Bill Brando, 61 South Macdonald, Councilmember Gilbert advised that the assessments are paid for by the property owners. Solid Waste & Facilities Director Jack Friedline informed Mr. Brando that the assessments will cover the cost of installing new sewers in District No. 238.

It was moved by Councilmember Boyd, seconded by Vice Mayor Jensen, that the recommendation of staff be accepted and Resolution No. 6877 adopted.

Carried unanimously.

- *b. Approving the West McLellan Road Project as a Scalloped Street Assessment Project Resolution No. 6878.
- c. Setting the time for the hearing on the Annual Assessment for the Mesa Town Center Improvement District - Resolution No. 6879.

Bill Brando, 61 South Macdonald, requested that the Council initiate an "Aye-Nay" vote for the annual assessment on District 228. Mr. Brando also asked that he be provided with statistics relative to the total number of properties and property owners involved in the district.

It was moved by Councilmember Stapley, seconded by Councilmember Boyd, that the recommendation of staff be accepted and Resolution No. 6879 adopted.

Carried unanimously.

- *d. Extinguishing two temporary easements for drainage on Norwood Street and Flake Street west of Mountainview - Resolution No. 6880.

Easement is no longer required.

- *e. Vacating a public alley at West 9th Place and North Orange Street - Resolution No. 6881.

(Mayor Wong declared a recess at 7:05 p.m. and the meeting resumed at 7:15 p.m.)

9. Consider the following appeal of a Board of Adjustment decision:

- a. **BA96-4** 2030 East McDowell Road. Requesting a Special Use Permit to allow the development of a commercial communications tower in an R1-43 district. Laron J. and Salley DeWitt, owners; AT&T Wireless PCS, Inc./Susan Bitter-Smith, applicant.

Board of Adjustment Decision: Denied. (Vote 3-2.) THE APPLICANT IS APPEALING THE BOARD'S DECISION.

Community Development Manager Wayne Balmer provided the Council with a brief synopsis of this case.

Susan Bitter-Smith, representing AT&T Wireless PCS, Inc., 3610 North 44th Street, addressed the Council relative to this issue and discussed her company's proposal to erect an 80-foot monolith with 40-foot whips on top for a Personal Communication System (PCS) for cellular service. Ms. Bitter-Smith advised the Council that all of the other required sites have been selected and approved and emphasized that the property under discussion, belonging to Laron and Salley DeWitt, is the only acceptable remaining site for the tower.

Discussion ensued relative to criteria utilized to determine the appropriateness of the site, prior Board of Adjustment hearings and subsequent denial, petitions submitted both for and against the proposal, Mesa's General Plan, existing utility poles in the area, and staff's recommendation that the proposed tower site be approved by the Council.

Tom Stincic, 2121 East Oasis, a neighbor of Mr. & Mrs. DeWitt's, spoke in opposition to the construction of the tower in the Lehi area. Mr. Stincic referred to overheads depicting the area which were displayed in the Council Chambers and stated that although he is a friend and neighbor of Mr. & Mrs. DeWitt, in his opinion the tower would negatively impact the residential area. Mr. Stincic expressed the opinion that the proportions of color renderings of the proposed tower, which were submitted by Ms. Bitter-Smith to the Council, are incorrect and reported that 81% of the resident homeowners are opposed to the erection of the tower.

Discussion ensued relative to the philosophy of the Lehi area, possible alternative sites for the tower, excerpts from the Mesa General Plan and the Zoning Ordinance, and the tower's compatibility with the surrounding area.

Mr. Stincic urged the Council to affirm the decision of the Board of Adjustment and deny the applicant's request.

Edsil Allred, 2028 East McDowell, advised that he has been a property owner in the Lehi area since 1962 and discussed the rural atmosphere of the community. Mr. Allred stated that he is not opposed to the construction of the tower and added that a site must be approved in the area to improve cellular service. Mr. Allred stressed the importance of maintaining strong neighborhood bonds and cautioned residents not to allow the tower to diminish established friendships.

Laron DeWitt, 2030 East McDowell, informed the Council that McDowell Road is one of the busiest intersections in Mesa and added that growth has already impacted the rural atmosphere of the Lehi area. Mr. DeWitt also advised that four out of six adjacent property owners have signed petitions in favor of the tower and noted that ham radio operator towers would be allowed without incident. Mr. DeWitt discussed the future continuation of the Red Mountain Freeway and stated that cellular service cannot be implemented without the erection of the proposed tower. Mr. DeWitt added the opinion that growth, rather than the tower, is changing the rural atmosphere of Lehi, but rather growth, and urged the Council to reverse the decision of the Board of Adjustment

Jon Huston, 7855 East Redfield, advised that he is the developer of a subdivision entitled the Groves of Hermosa Vista which is located south of the proposed tower site, bordering the canal. Mr. Huston spoke in opposition to reversing the decision of the Board of Adjustment and stated the opinion that the tower will not be compatible in the Lehi residential area.

Nick Huntington, 2121 East McDowell, advised that he strongly supports maintaining rural communities but added that communications is also a vital issue which cannot be ignored. Mr. Huntington spoke in support of the tower and said that the services provided will benefit the residents of Mesa.

Mark Rowley, 2102 East Oasis, stated that should the Council approve the tower, he would view the communications site from the front door of his residence. Mr. Rowley spoke in opposition to reversing the decision of the Board of Adjustment and expressed the opinion that the tower would be incompatible with the City's existing land-use plan. Mr. Rowley expressed the opinion that the Lehi area should remain residential and added the opinion that lights would be placed at the top of the tower to alert airplane pilots to the tower's location. Mr. Rowley urged the Council to direct AT&T Wireless PCS, Inc. to locate an alternative site for the tower.

Dan Hellman, 2425 East Menlo, addressed the Council as both a citizen and a representative of Signature Real Estate Group, which is involved in the development of The Groves of Hermosa Vista subdivision. Mr. Hellman expressed concerns relative to negative impacts on

views as a result of the tower and added that the proposal would create financial hardships for developers. Mr. Hellman urged the Council to deny the applicant's request.

Steve McKinnon, 2033 East Oasis, informed the Council that his cellular service works adequately without the proposed tower and discussed the friendships and community spirit which exists within the Lehi area. Mr. McKinnon stated that although his intention is not to deny Mr. & Mrs. DeWitt the financial gain they would realize as a result of the tower, he and others in the area have strived to maintain the rural atmosphere of Lehi. Mr. McKinnon indicated that he is opposed to the construction of the proposed tower.

Art Freeman, 2717 East Lehi, advised that he is the owner of a business in the Lehi area and noted that cellular service within the community is inadequate. Mr. Freeman expressed the opinion that the tower will result in long-term benefits for the community and the City of Mesa and urged the Council to overrule the Board of Adjustment's decision.

Susan Bitter-Smith, representing AT&T Wireless PCS, Inc. readdressed the Council and stated that the tower proportions outlined on color photographs submitted to the Council are accurate. Ms. Bitter-Smith reiterated that the DeWitt property is the single remaining appropriate site for the tower and urged Council approval.

Discussion ensued relative to the size of the tower and unsuccessful efforts by the company to locate an alternative site.

Mayor Wong thanked the speakers for their input.

It was moved by Councilmember Stapley, seconded by Councilmember Johnson, to reverse the decision of the Board of Adjustment and to grant approval to the erection of the tower at the proposed site.

Councilmember Gilbert stated the opinion that the rehearing process should be reviewed. Councilmember Gilbert expressed the opinion that the Board of Adjustment carried out their responsibilities by evaluating the request within the parameters allowed and added that he would not support the reversal of the Board's decision.

Councilmember Boyd commented that despite the fact that the area is rural, a communications site linkage must be placed in the Lehi vicinity and added that compatibility cannot be the major focus. Councilmember Boyd stated that he would support the motion.

Upon tabulation of votes, it showed:

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

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

(Mayor Wong declared a recess at 9:15 p.m. and the meeting resumed at 9:25 p.m.)

10. Consider the following Design Review cases and possible adoption of the corresponding ordinances:

- a. **DR96-2** An application for a Council Use Permit pursuant to Section 11-13-2(L) of the City of Mesa Zoning Ordinance to utilize Exterior Building Illumination on a new building at 1154 West 8th Street. This request is by Circle K Corporation for a gasoline island canopy.

Design Review Board Recommendation: Denial. (Vote 6-1.)

In response to a question from Mayor Wong, Community Development Manager Wayne Balmer advised that there are no pro or con representatives present at the meeting to address this issue.

It was moved by Councilmember Gilbert, seconded by Vice Mayor Jensen, to deny the requested application for a Council Use Permit uphold the decision of the Design Review Board.

Upon tabulation of votes, it showed:

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

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

- b. **DR96-24** An application for a Council Use Permit pursuant to Section 11-13-2(L) of the City of Mesa Zoning Ordinance to utilize Exterior Building Illumination on a building at 1145 West University Drive. This request is by Foodmaker Incorporated for an existing building.

Design Review Board Recommendation: Approval with condition. (Vote 5-0.)

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

Community Development Manager Wayne Balmer advised that there are no pro or con representatives present at the meeting to address Design Review Board cases 10.b. through 10.i.. Mayor Wong advised that items 10.b. through 10.i. are related and therefore can be voted on by a single vote of the Council.

Bill Brando, 61 South Macdonald, stated the opinion that small businesses must be allowed City Code exceptions such as the proposed illumination in order to attract business. Mr. Brando requested that the Council revise the current Zoning Ordinance to meet the needs of small business owners throughout the City of Mesa.

In response to a question from Mayor Wong, Mr. Balmer advised that the Design Review Board approved the applicant's request subject to the following stipulations: 1) that Jack in the Box no longer utilize paper or plastic signs or posters in or on the windows of the facility; and 2) that landscaping, screening and signage be brought into conformance with current Zoning Ordinance requirements in so far as is practical, recognizing that there are land constraints and parking constraints that may limit what can be done; that is, if a parking stall needs to be removed to put in a planter in lieu of perimeter landscaping, it is permissible. All details to be reviewed and approved by staff.

Mr. Balmer discussed staff's recommendation that the Council approve the applicant's request, that stipulation number one, requiring the elimination of paper or plastic signs or posters in or on the windows of the facility be eliminated, and that stipulation number two, relative to landscaping, screening and signage, be included in the motion for approval.

It was moved by Vice Mayor Jensen, seconded by Councilmember Stapley, that Design Review Board cases 10.b. through 10.i. be approved; that stipulation number one, recommended by the Design Review Board relative to signage, be eliminated; and that stipulation number two, relative to landscaping, screening and signage, remain as a condition of approval.

Carried unanimously.

- c. **DR96-25** An application for a Council Use Permit pursuant to Section 11-13-2(L) of the City of Mesa Zoning Ordinance to utilize Exterior Building Illumination on a building at 5961 East Main Street. This request is by Foodmaker Incorporated for an existing building.

Design Review Board Recommendation: Approval with condition. (Vote 5-0.)

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

(See item b. above for motion.)

- d. **DR96-26** An application for a Council Use Permit pursuant to Section 11-13-2(L) of the City of Mesa Zoning Ordinance to utilize Exterior Building Illumination on a building at 1860 West Southern. This request is by Foodmaker Incorporated for an existing building.

Design Review Board Recommendation: Approval with condition. (Vote 5-0.)

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

(See item b. above for motion.)

- e. **DR96-27** An application for a Council Use Permit pursuant to Section 11-13-2(L) of the City of Mesa Zoning Ordinance to utilize Exterior Building Illumination on a building at

440 East Southern Avenue. This request is by Foodmaker Incorporated for an existing building.

Design Review Board Recommendation: Approval with condition. (Vote 5-0.)

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

(See item b. on previous page for motion.)

- f. **DR96-28** An application for a Council Use Permit pursuant to Section 11-13-2(L) of the City of Mesa Zoning Ordinance to utilize Exterior Building Illumination on a building at 2846 East Main Street. This request is by Foodmaker Incorporated for an existing building.

Design Review Board Recommendation: Approval with condition. (Vote 5-0.)

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

(See item b. on previous page for motion.)

- g. **DR 96-29** An application for a Council Use Permit pursuant to Section 11-13-2(L) of the City of Mesa Zoning Ordinance to utilize Exterior Building Illumination on a building at 1232 West Baseline Road. This request is by Foodmaker Incorporated for an existing building.

Design Review Board Recommendation: Approval with condition. (Vote 5-0.)

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

(See item b. on previous page for motion.)

- h. **DR96-30** An application for a Council Use Permit pursuant to Section 11-13-2(L) of the City of Mesa Zoning Ordinance to utilize Exterior Building Illumination on a building at 2120 East Baseline Road. This request is by Foodmaker Incorporated for an existing building.

Design Review Board Recommendation: Approval with condition. (Vote 5-0.)

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

(See item b. on previous page for motion.)

- i. **DR96-31** An application for a Council Use Permit pursuant to Section 11-13-2(L) of the City of Mesa Zoning Ordinance to utilize Exterior Building Illumination on a building at 1945 West Main Street. This request is by Foodmaker Incorporated for an existing building.

Design Review Board Recommendation: Approval with condition. (Vote 5-0.)

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

(See item b. on previous page for motion.)

11. Adjournment.

It was moved by Vice Mayor Jensen, seconded by Councilmember Boyd, that the Regular Council Meeting adjourn at 9:44 p.m.

Carried unanimously.

WILLIE WONG, MAYOR

ATTEST:

BARBARA JONES, CITY CLERK

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the Regular Meeting of the City Council of Mesa, Arizona, held on the 4th day of March, 1996. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 4th day of March 1996

BARBARA JONES, CITY CLERK