

COUNCIL MINUTES

January 22, 1996

The City Council of the City of Mesa met in a Regular Session in the Council Chambers, 57 East 1st Street, on January 22, 1996 at 5:39 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

James Garber

OFFICERS PRESENT

C.K. Luster
Neal Beets
Barbara Jones

The Invocation was given by Reverend Lloyd Kramlich, Queen of Peace Catholic Church.

The Pledge of Allegiance was led by Dillon Tyler, Boy Scout Troop No. 152.

1. Approval of minutes of previous meetings as written.

It was moved by Councilmember Boyd, seconded by Vice Mayor Jensen, that the minutes of January 5, 8, and 12, 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. Acknowledge receipt of minutes and meetings of various boards and committees and consider action where appropriate.

*a. Adjustment Board meeting - January 9, 1996

- *b. Crime Prevention Advisory Board meeting - January 17, 1996
- *c. Design Review Board - January 3, 1996
- *d. Downtown Development Committee meeting - January 11, 1996
- *e. Housing Advisory Board meeting - January 16, 1996
- *f. Human Services Advisory Board meeting - January 10, 1996
- *g. Parks and Recreation Board meeting - January 11, 1996

Recommend the City exercise its one-year option to extend the existing agreement with J. P. Zachs, Inc. for the operation of the Ranch House Restaurant, commencing on January 1, 1997 and terminating on December 31, 1997.

It was moved by Councilmember Boyd, seconded by Councilmember Stapley, that the recommendation of staff be accepted.

Carried unanimously.

- *h. Police Committee meeting - January 16, 1996

Consider various recommendations pertaining to massage therapy, licensing fees, and regulations.

Vice Mayor Jensen, Chairman of the Police Committee, advised that the recommendations for revised fees and regulations for massage establishments were discussed at the January 16, 1996 Police Committee meeting. Vice Mayor Jensen added that the meeting was attended by many massage therapists in Mesa.

Vice Mayor Jensen stated that an ordinance will be introduced at the February 5, 1996 Regular Council Meeting and that the Police Committee recommended the following: \$100 establishment license fee; \$50 therapist licensing fee; \$100 establishment application fee, \$50 therapist application fee; \$12 fingerprinting fee; \$100 establishment annual renewal fee; \$50 therapist annual renewal fee; a minimum of 500 hours education requirement.

It was moved by Vice Mayor Jensen, seconded by Councilmember Stapley, that the recommendation of staff be accepted.

Craig Petersen, 122 South Serrine, stated that he is a massage therapist in Mesa. Mr. Petersen expressed the opinion that the current fee schedule is appropriate and should not be revised.

Vice Mayor Jensen stated the opinion that the City's lenient licensing fees may facilitate individuals in obtaining a massage therapist license who do not intend to operate legitimate

establishments. Vice Mayor Jensen said that the recommendations were based on a review of other communities' fees, regulations, and educational requirements.

Mr. Petersen stated that a therapy board previously existed in Mesa that established and monitored regulations for massage facilities. Mr. Petersen requested that the board be re-instated and expressed the opinion that a therapy board would discourage illegal activities.

Vice Mayor Jensen said that the Police Committee did not receive information concerning a previous therapy board in Mesa. Vice Mayor Jensen indicated that the majority of the therapists in attendance at the Police Committee Meeting supported the recommendations pertaining to fees and regulations and thanked Mr. Petersen for his input.

Councilmember Stapley expressed the opinion that the proposed fees would rank Mesa in the middle of the fee range for surrounding communities. Councilmember Stapley commented on the disproportionately high number of massage establishments in the City of Mesa compared to other cities and stated the opinion that the current regulations may encourage license applications in Mesa.

Carried unanimously.

*h. Police Committee meeting - January 16, 1996

Recommend that a traffic control program utilizing photo radar be implemented.

Vice Mayor Jensen discussed staff's photo radar presentation to the Police Committee as a method of enhancing traffic control. Vice Mayor Jensen stated that the Police Committee recommended that further evaluation occur to determine the feasibility of implementing a photo radar system in Mesa.

It was moved by Councilmember Jensen, seconded by Councilmember Boyd, that the issue of photo radar for traffic control be further evaluated by staff.

Jans Tingen, 959 East 10th Avenue, posed questions to the Council concerning photo radar.

The Council indicated that they would support further study of photo radar. Councilmember Boyd advised that the company that owns the equipment would be paid \$25 for each violation fee collected and informed Mr. Tingen that a public hearing would be conducted relative to this issue prior to Council action. Vice Mayor Jensen stated the opinion that photo radar, if implemented, is a tool to enhance public safety and that revenue generation is not an issue. Councilmember Payne advised that she will support further study of photo radar but noted her objection to implementing the device in Mesa.

Carried unanimously.

4. Consider the following liquor license application:

*a. JOMARIE LEONE KASSON, TRUSTEE

Special Event License application of Jomarie Leone Kasson, Trustee, for Leukemia Society of America, Inc., a one-day charitable event to be held Monday, February 12, 1996, from 11:00 A.M. to 5:00 P.M., at Alta Mesa Country Club.

*b. JOSEPH SPADARO, PROGRAM DIRECTOR

Special Event License application of Joseph Spadaro, Program Director, for St. Bridget's Knights of Columbus, a one-day fraternal event to be held Friday, February 9, 1996, from 6:00 P.M. to 12:00 Midnight, at St. Bridget's Catholic Church.

*c. GERALD HIGGINS, TREASURE

Special Event License application of Gerald Higgins, Treasure, for St. Timothy's Catholic Community, a one-day religious event to be held Saturday, February 10, 1996, from 6:30 P.M. to 11:30 P.M., at St. Timothy's Catholic Church.

d. ROBERT W. BRINTON, EXECUTIVE DIRECTOR

Special Event License application of Robert W. Brinton, Executive Director, for Mesa Convention and Visitors Center, a two-day civic event to be held Friday, January 26, 1996, from 4:00 P.M. to 10:00 P.M., and Saturday, January 27, 1996, from 10:00 A.M. to 6:00 P.M., at Mesa Centennial Hall.

Robert Brinton, the applicant, discussed the efforts of the Mayor's Superbowl Committee to develop a Superbowl event in Mesa for Friday, January 26, 1996 and Saturday, January 27, 1996. Mr. Brinton said that the event will be family oriented and affordable to Mesa's citizens. In response to a question from Mayor Wong, Mr. Brinton stated that the cover charge (\$5 for adults, \$2 for children ages 6 to 13, and free to children 5 and under) includes all the events and that free admission coupons have been donated to many children's groups.

It was moved by Vice Mayor Jensen, seconded by Councilmember Stapley, that Special Event License be approved.

Carried unanimously.

*e. CAROL LYNNE POOR, AGENT

Location transfer Liquor Store License for Walgreen Drug Store, 7059 E. Baseline Rd. This transfer is from Walgreen Arizona Drug Co., 2726 E. University Dr., to Walgreen Arizona Drug Co., 7059 E. Baseline Rd.

*f. H. J. LEWKOWITZ, AGENT

New Restaurant License for Fuddruckers, 6555 E. Southern Ave. This is a new business, currently there is no liquor licenses at this location.

5. Consider the following contracts:

*a. High intensity lighting system for conducting forensic evidence examinations as requested by the Police Department.

The Purchasing Division recommends accepting the only bid by Southwestern Engineering and Equipment Company at \$22,988 plus 5 percent use tax on materials of \$1,138.15 for a total of \$24,126.15.

*b. Deleted.

*c. One replacement truck mounted herbicide spray unit to be used for weed control in City rights-of-way and other areas as requested by the Street Maintenance Division.

The Purchasing Division recommends accepting the only bid by A.D. Williams, Inc. at \$17,500 plus 5 percent use tax of \$875 for a total of \$18,375.

*d. Class 400 gas meters for warehouse inventory as requested by the Utility Services Division. These gas meters are used for commercial gas accounts.

The Purchasing Division recommends accepting the low bid by Schlumberger Industries at \$9,733.50 plus 5 percent use tax of \$486.67 for a total award of \$10,220.17 based on estimated requirements.

*e. One year supply of utility bill envelopes as requested by the Printing and Graphics Services Division.

The Purchasing Division recommends accepting the only bid by Tension Envelope Corp. at \$30,456 plus 5 percent use tax of \$1,522.80 for a total of \$31,978.80.

*f. Helicopter repair parts as requested by the Police Department.

The Purchasing Division recommends accepting the lowest overall bid meeting specification by Seaside Helicopters, Inc. at \$76,048.93 plus 5 percent sales tax of \$3,802.44 for a total of \$79,851.37.

*g. Leica macroscope and microscope system for firearms and drug evidence analysis as requested by the Police Department.

The Purchasing Division recommends accepting the only bid by Leica, Inc. at \$19,778 plus 7 percent sales tax of \$1,384.46 for a total of \$21,162.46.

*h. Deleted.

*i. Two replacement three-wheel turf vehicles as requested by the Parks, Recreation and Cultural Program. One unit is for maintaining ballfields and one will be used at Riverview Golf Course.

The Purchasing Division recommends accepting the low bid meeting specification by Bingham Equipment Company at \$20,152 plus 5.75 percent sales tax of \$1,158.74 for a total of \$21,310.74.

*j. Two replacement copiers as requested by the Police Department.

The Purchasing Division recommends authorizing purchase from the State of Arizona contract with Infincom for \$11,111 plus 6.95 percent sales tax of \$772.21 for a total of \$11,883.21; and Hughes Calihan for \$13,231 plus 7.05 percent sales tax of \$932.78 for a total of \$14,163.78. The combined award is then \$26,046.99.

*k. Community Center Cooling Tower Replacement.

This project will replace a twenty year old cooling tower that is rusted, leaning, and no longer repairable. This will improve both the efficiency and operation of the Community Center's HVAC system.

Recommend award to low bidder, HACI Mechanical Contractors, in the amount of \$30,200.

*l. Re-roof the Utility Construction building, Falcon Police/Fire Substation building, Main Library building, Conference Center building, and Falcon Field's Sheriffs building.

This project will replace the roofs on several city buildings that are worn beyond economical repair. The replacements are a part of a preventative maintenance program.

Recommend award to low bidder, Progressive Roofing, subject to a deduct change order of \$83,993 for the elimination of the Conference Center building re-roof for a total award of \$216,591.

6. Introduction of the following ordinance and setting February 5, 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. Amending Section 11-1-6 by creating a definition of "halfway house," and amending the definitions of, "boarding house" and "social service facility"; amending Section 11-5-3

pertaining to uses subject to a Council Use Permit in the R-4 district; amending Section 11-8-4(C) pertaining to uses subject to Council Use Permit in the TCB-1 district; amending Section 11-13-2(R) pertaining to group homes for the handicapped.

7. Consider the following resolutions:

- *a. Extinguishing public utility, ingress and egress, and vehicular non-access easements at 3134 East McKellips Road - Resolution No. 6869.

Area is being replatted and these easements are no longer necessary.

- *b. Authorizing the City Manager to execute an Intergovernmental Agreement with Maricopa County Community College District on behalf of Sun Sounds to purchase specialized radio equipment for disabled persons. CDBG funds will be used for this purchase - Resolution No. 6870.

- c. Approving and authorizing the City Manager to apply for establishment of a General Purpose Foreign-Trade Zone in Mesa, Arizona - Resolution No. 6871.

Community Development Manager Wayne Balmer expressed the opinion that a Foreign Trade Zone (FTZ) would enhance the City's reuse efforts and marketability of Williams Gateway Airport and provide economic advantages in other areas of the City. Mr. Balmer stated that the FTZ allows foreign businesses that import goods into the United States to avoid paying customs taxes until the goods leave the FTZ. Mr. Balmer added that automobile and aircraft manufacturers would likely be interested in locating in a City with an FTZ and stated the opinion that the FTZ could attract foreign companies to Mesa.

Bill Brando, 61 South Macdonald, stated the opinion that an FTZ would allow foreign businesses to enter Mesa and pay 20 percent of the amount local businesses must pay in taxes.

In response to a question from Councilmember Gilbert, Mr. Balmer explained that a foreign automobile manufacturer that locates in a United States Foreign Trade Zone would not pay taxes on the goods entering the U.S. to manufacture the automobile. Mr. Balmer said that if the completed vehicle is shipped out of the U.S., it is not taxed, but if the vehicle is sold in the U.S., it is subject to taxes. Mr. Balmer added that although the vehicle avoids subjectivity to taxes if shipped out of the U.S., American citizens would have the advantage of providing labor into the manufacturing of the vehicle that would not otherwise exist.

Luule Brando, 61 South Macdonald, stated the opinion that an FTZ may result in an inequitable situation between foreign and local companies. Ms. Brando expressed concern that the goods brought into the U.S. may be hazardous and not subject to inspection.

Mr. Balmer explained the manner in which foreign goods would be stored in an FTZ and advised that the zones are policed and secure. Mr. Balmer discussed the Arizona Legislature's action to grant an 80 percent property tax waiver to foreign businesses that locate in an FTZ in order to encourage Arizona as an international business destination. Mr. Balmer added that

since Mesa does not assess a property tax, the 80 percent reduction does not affect the City. Mr. Balmer indicated that international businesses that are major employers may take advantage of the FTZ and stated the opinion that if Mesa does not obtain an FTZ, such businesses may choose to locate in Phoenix, the only surrounding city with an FTZ.

It was moved by Councilmember Gilbert, seconded by Vice Mayor Jensen, that Resolution No. 6871 be adopted.

Carried unanimously.

- d. Approving the execution and delivery by the City of an intergovernmental agreement with the Maricopa County Stadium District and other necessary documents relating thereto - Resolution No. 6872.

Marilynn Wennerstrom, 1112 North Center Street, expressed opposition to the re-construction of Hohokam Stadium. Ms. Wennerstrom referred to the proposed Intergovernmental Agreement (IGA) and requested clarification concerning locations in the document in which blank lines and pages exist. Ms. Wennerstrom further questioned a reference in the document to land acquisition and expressed the opinion that previous information she received concerning the Cubs stadium indicated that land acquisition would not be necessary to complete the project.

Ms. Wennerstrom referred to the proposed resolution and said that the document states that no entity will profit from the Cubs stadium. Ms. Wennerstrom expressed the opinion that the contractors that will construct the stadium as well as the Cubs organization will realize a profit and requested that the statement be rescinded from the proposed resolution.

Mayor Wong requested that Assistant City Manager Mike Hutchinson respond to Ms. Wennerstrom's inquiries.

(The remainder of this item was discussed at the end of the agenda, but for purposes of clarity will remain as listed on the agenda.)

In response to Ms. Wennerstrom's questions concerning land acquisition, Assistant City Manager Mike Hutchinson advised that the Council previously authorized the purchase of a parcel of land near Hohokam Stadium with Park funds. Mr. Hutchinson stated that the City may now apply to Maricopa County for its two-thirds reimbursement for the land and added that for this reason, land acquisition is referenced in the IGA.

Fred Williams, Mesa's Bond Counsel with the law firm, Gust, Rosenfeld, and Henderson, explained that various blank pages and lines exist throughout the IGA where exhibits and exhibit names will be placed. Mr. Williams added that the document has been approved by the Maricopa County Stadium District in substantial form, and that the finalized document containing the exhibits will be available shortly.

Bill Brando, 61 South Macdonald, expressed the opinion that the Council should not consider the proposed resolution and IGA until the IGA has been completed. Mr. Brando expressed the

opinion that the proposed Hohokam Stadium project violates Article 4, Part 2, Section 19, of the Arizona Constitution.

It was moved by Councilmember Gilbert, seconded by Vice Mayor Jensen, that Resolution No. 6872 be adopted.

Councilmember Payne stated that she initially supported a Cubs multi-use facility in the Red Mountain vicinity and later withdrew her support. Councilmember Payne said that she then offered her support to a downtown location in which a multi-use facility could be constructed and continues to advocate a downtown facility at this time. Councilmember Payne advised that she will not support the motion.

Councilmember Boyd expressed appreciation to staff for obtaining County funding for the stadium and stated the opinion that it is appropriate to begin construction of the facility at this time.

Upon tabulation of votes, it showed:

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

The Mayor declared the motion carried by majority vote and Resolution No. 6872 adopted.

- e. Relating to the financing of the development and construction of baseball training practice facilities and a stadium to be used for major league baseball training operations; approving the issuance of not to exceed \$22,000,000 aggregate principal amount of City of Mesa Municipal Development Corp. Municipal Facilities Revenue Bonds, Series 1996A and Series 1996B and other necessary documents relating thereto - Resolution No. 6873.

Ms. Wennerstrom requested clarification relative to utilizing a variable interest rate on City bonds to finance the stadium.

Assistant Finance Director Larry Woolf stated that the City has used variable interest rate financing in the past and explained that in this instance, variable rates will allow Mesa to achieve a lower interest rate for a longer period of time than a fixed rate. Mr. Woolf added that the proposed financing will be cost effective for the City.

Mr. Brando commented concerning the relationship between the City and the Municipal Development Corporation (MDC). Mr. Brando stated the opinion that a recent financial report revealed that the MDC had \$46 million in its treasury and suggested that Mesa utilize those funds for the stadium rather than issuing bonds.

Mr. Woolf stated that the MDC's assets equal \$46 million, but that the Corporation has a significant amount of debt and therefore no equity.

In response to a question from Vice Mayor Jensen, City Attorney Neal Beets compared Mesa's proposal to construct a stadium with participation from Maricopa County to the City of Phoenix's construction of the America West Arena with participation from users of the Arena. Mr. Beets advised that other spring training facilities have been constructed in a similar manner and that none have been interpreted as a violation of the Arizona Constitution.

Mike Graves, 7911 East Irwin, expressed opposition to the stadium project. Mr. Graves stated the opinion that the MDC was established to assist with the financing of necessary capital facilities, and added the opinion that many items funded by the Corporation, such as the Pinal County water farm and the Mesa City Plaza building, are not necessary projects. Mr. Graves expressed the opinion that Mesa's citizens should determine whether a new Cubs facility should be constructed. Mr. Graves indicated that he observed the majority of MDC members may not have supported the stadium project but declined to refer the proposal back to the Council.

It was moved by Councilmember Gilbert, seconded by Vice Mayor Jensen, that Resolution No. 6873 be adopted.

Mayor Wong advised that he will not support the motion and stated that he continues to advocate a Cubs stadium in the Red Mountain vicinity.

Upon tabulation of votes, it showed:

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

The Mayor declared the motion carried by majority vote and Resolution No. 6873 adopted.

8. Consider the following ordinances:

- *a. Prohibiting parking on Longmore from Eighth Street to Mountain View Drive, Emerald Avenue from a point 160 feet east of Alma School Road to a point 160 feet west of Alma School Road, on the east side of Center Street from Main Street to a point 90 feet north of Main Street, from a point 175 feet south of Pepper Place to a point 60 feet north of Pepper place, from a point 120 feet south of First Street to a point 420 feet north of First Street, from a point 115 feet south of Second Street to a point 50 feet north of Second Street, and from a point 120 feet south of Third Place to University Drive; on the west side from University Drive to a point 55 feet south of Third Place, from a point 115 feet north of Second Street to a point 55 feet south of Second Street, from a point 230 feet north of First Street to a point 170 feet south of First Street, from a point 130 feet north of Pepper Place to a point 50 feet south of Pepper Place, and from a point 200 feet north of Main Street to Main Street, the east side of Bellview from Broadway Road to a point 116 feet south of Broadway Road, the west side of Acacia from Broadway Road to Clovis Avenue, the north side of Clovis Avenue from Acacia to Gilbert Road; and remove the parking prohibition on 32nd Street from Superstition Freeway (U.S. 60) to Baseline Road, all as recommended by the Traffic Safety Committee - Ordinance No. 3132.

- *b. **Z95-107** The northwest corner of McKellips Road and 64th Street. Rezone from R1-9 and C-2 to R-4-PAD and Site Plan Modification (6 acres). This case involves development of a 112 unit condominium resort. Geronimo Golf Villas, L.P., owner; HoHoKam International, applicant - Ordinance No. 3133.

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

- *a. **Z95-102** The northwest corner of Elliot Road and Meridian Road. Rezone from AG to AG (Conceptual R1-9, R1-7, R1-9-PAD and R1-7-PAD-DMP) (160± acres). This case involves a conceptual Development Master Plan for residential development. Bojer Land/Ambrock L.P., owner/applicant.

THIS CASE WAS CONTINUED AT THE NOVEMBER 20, 1995 CITY COUNCIL MEETING.

P&Z Recommendation: No recommendation. Procedural denial (Vote 3-3). The applicant requested that this case be withdrawn.

- *b. **Z95-106** The southwest corner of Hawes Road and Guadalupe Road. Rezone from AG and AG-DMP to R1-7, R1-6, R1-6-PAD and C-2 within a Development Master Plan (224± acres). This case involves the development of a single residence community containing approximately 770 lots and a 16 acre commercial tract. Hawes and Guadalupe L.P. et.al., owner; Coe and Van Loo Consultants, Inc.; applicant - Ordinance No. 3134.

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

1. Compliance with the basic development as shown on the revised Development Master Plan submitted including the elevations and design criteria, except as noted below;
2. Review and approval by the Planning and Zoning Board and City Council of the future commercial 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. All street improvements, as approved by Public Works, to be installed in the first phase of construction;
6. Compliance with all requirements of the Subdivision Technical Review Committee;
7. Owner granting an Avigation Easement and Release to the City, pertaining to Williams Gateway 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);
8. Notice be provided to future residents that the project is within the Williams Gateway Influence Area and that additional information pertaining to aircraft operations and airport development may be obtained by contacting the Williams Gateway administration office;
 9. Noise attenuation measures be incorporated into the design and construction of the homes to achieve a noise level reduction of 25 decibels;
 10. Compliance with the letter dated December 13, 1995, from Ralph Pew which is included in the zoning case file; and
 11. Modification of Parcel "D" of the preliminary plat of "Hawes and Guadalupe Parcels A, B, C, D, and E", deleting lots numbered 91 and 92 and relocating lot 93 south to be adjacent to lot 11.
- c. **Z95-109** The southeast corner of Baseline Road and Signal Butte Road. Rezone from AG to R1-6-DMP (Conceptual R-2, O-S and C-2) (841± acres). This case involves the development of a retirement community with 3000± dwelling units. Farnsworth Development, owner; Craig Ahlstrom, applicant - Ordinance No. 3139.

Revised P&Z Recommendation:

1. Compliance with the basic development as shown on the Development Master Plan submitted, except as noted below;
2. Review and approval by the Planning and Zoning Board and City Council of future development plans for the conceptual tracts;
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;
6. Guadalupe Road shall be continued from Signal Butte Road to Meridian Road, with design and alignment subject to agreement between the City and applicant, and temporarily closed by use of an emergency access gate or other alternative acceptable to the City until development occurs which extends the road to Ironwood/Vineyard as part of the development of the State land in Section 7, T1S, R8E of the G&SRB&M;

NOTE: The following conditions will apply to all the residential parcels which are south of the driving range and are south and west of the golf course.

7. Owner granting an Avigation Easement and Release to the City, pertaining to Williams Gateway 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);

8. Notice be provided to future residents that the project is within the Williams Gateway Overflight Area and that additional information pertaining to aircraft operations and airport development may be obtained by contacting the Williams Gateway administration office; and
9. Noise attenuation measures be incorporated into the design and construction of the homes to achieve a noise level reduction of 25 decibels.

Community Development Manager Wayne Balmer explained that two members of the Planning and Zoning Board initially voiced concerns relative to the project but added that the applicant has since addressed the concerns. Mr. Balmer stated that staff supports the design and appearance of the project and that the majority of the Board supports the proposal.

Ross Farnsworth, 460 S. Greenfield, stated that he is the owner of the property and provided details concerning the project's amenity package.

Vice Mayor Jensen stated the opinion that concerns relative to aviation easements have been adequately addressed and added that he will support the Board's recommendation for approval.

It was moved by Vice Mayor Jensen, seconded by Councilmember Stapley, that the zoning change be approved as recommended by the Planning and Zoning, Board, and subject to stipulations, and that Ordinance No. 3139, encompassing Zoning Case Z95-109, be adopted.

Councilmember Gilbert expressed concern about the area under discussion and its proximity to General Motors and Williams Gateway Airport. Councilmember Gilbert stated the opinion that while it is uncertain as to the nature of development that is appropriate for the area, granting a rezoning request at this time may be premature. Councilmember Gilbert commended the applicant for presenting a quality proposal but advised that he will not support rezoning at this time.

Upon tabulation of votes, it showed:

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

The Mayor declared the motion carried by majority vote and Ordinance No. 3139 adopted.

- *d. **Z95-111** 8601 East Southern Avenue. Rezone from AG to C-3 (8± acres). This case involves development of an RV and mini-storage facility. Ron Johnson, owner/applicant – Ordinance No. 3135.

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

1. Compliance with the basic development as shown on 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. Review and approval of a Special Use Permit by the Board of Adjustment;
 4. Owner granting an Avigation Easement and Release to the City, pertaining to Williams Gateway 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); and
 5. Noise attenuation measures be incorporated into the design and construction of the residence to achieve a noise level reduction of 25 decibels.
- *e. **Z95-113** South and east of the southeast corner of Broadway Road and Hawes Road. Rezone from R-3-PAD to R1-6-PAD (17± acres). This case involves development of a patio home subdivision with 105± lots. Broadway Group No. 100 General Partners, owner; Providence Development, Inc., applicant - Ordinance No. 3136.

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 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. A 20' front yard setback being maintained on at least 75% of the lots approved with the final subdivision plat.
 6. Owner granting an Avigation Easement and Release to the City, pertaining to Williams Gateway 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);
 7. Notice be provided to future residents that the project is within the Williams Gateway Overflight Area and that additional information pertaining to aircraft operations and airport development may be obtained by contacting the Williams Gateway administration office; and
 8. Noise attenuation measures be incorporated into the design and construction of the homes to achieve a noise level reduction of 25 decibels.
- f. **Z95-114** The 6500 and 6600 blocks of East Delmon Drive. Rezone from R1-9 to R1-7 (4.165 acres). This case involves the development of a 20 lot single residence conventional subdivision. East Valley Free Will Baptist Church, owner; Jack Anderson, applicant.

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

1. Compliance with the basic development as shown on the preliminary plat submitted, except as noted below;
2. Compliance with all City development codes and regulations;
3. Compliance with all requirements of the Public Works Department (Engineering and Traffic Engineering, etc.);
4. 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; and
5. Compliance with all requirements of the Subdivision Technical Review Committee.

Mark Vannurden, 6652 East Delmon Drive, said that he resides in the neighborhood adjacent to the proposed project. Mr. Vannurden advised that the residents of his subdivision object to the proposed lot sizes of the project and stated the opinion that the project would not be compatible with the surrounding area. Mr. Vannurden indicated that he has been unable to obtain information concerning the cost of the homes in the proposed development and expressed concern that inexpensive homes may result in a reduction of his property value. Mr. Vannurden requested that the Council deny the applicant's request.

In response to questions from Councilmember Gilbert, Mr. Vannurden stated that he met with the applicant and attended the Planning and Zoning hearing. Mr. Vannurden expressed the opinion that the residents of his neighborhood would support the project provided the lot sizes are increased to 900 square feet or R1-9 zoning is proposed. Mr. Vannurden stated that an additional concern pertains to the proposed street alignment which would cause vehicle headlights to shine in the windows of existing homes.

Jack Townley, the applicant, stated that he has attempted to revise the street alignment and lot configuration to address the neighbors' concerns but that the irregular shape of the parcel only lends itself to a small number of designs. Mr. Townley said that alternative designs have been submitted but were not approved by staff due to non-conforming lots and other issues. Mr. Townley added that the only design supported by staff is the proposal recommended by the Planning and Zoning Board. Mr. Townley stated that the average lot size is 7,800 square feet and expressed the opinion that the design provides a sufficient transition from the existing neighborhood to the proposed development.

Discussion ensued relative to an alternative proposal which requires a split retention basin. Public Works Manager Harry Kent advised that staff discourages split retention areas when maintenance is the City's responsibility. Mr. Kent stated that split retentions require two separate sprinkler and control systems and that side slopes are complicated to manage.

In response to a question from Councilmember Boyd, Mr. Townley estimated that the average cost of the homes in the proposed development will be \$125,000.

Councilmember Boyd commented on the developer's numerous proposals and expressed the opinion that the applicant has repeatedly attempted to compromise with the residents of the adjoining neighborhood. In response to a question from Councilmember Boyd, Mr. Balmer advised that after reviewing each proposal, staff cannot develop another design without land assembly from the adjacent commercial parcel. Mr. Balmer expressed the opinion that the current proposal is most appropriate for the property.

Councilmember Boyd stated the opinion that the quality of the homes and the development is important to the surrounding neighborhood, and that lot size is not the only crucial element. Councilmember Boyd suggested that the residents of the adjacent neighborhood attempt to compromise further with the developer and advised that if compromise cannot be attained, he may support the project as recommended by the Planning and Zoning Board.

It was moved by Councilmember Boyd, seconded by Councilmember Gilbert, that this matter be continued to the February 5, 1996 Regular Council Meeting.

Howard Gwantney, Pastor of the East Valley Free Will Baptist Church, spoke in support of the applicant. Mr. Gwantney stated that he intends to construct a playground on the church property for the residents of the community once the property is sold to the applicant.

Councilmember Gilbert expressed appreciation to the developer for his efforts to compromise.

Carried unanimously.

(At 8:25 P.M. Mayor Wong called for a recess, and the meeting reconvened at 8:37 P.M.)

*g. **Z95-115** The northwest corner of McDowell and Recker Roads. Rezone from C-2 to C-3 and Site Plan Modification (10.2 acres). This case involves the development of a mini-storage facility and two commercial pad sites. Cory Frampton, owner; Oz Architects, Inc., applicant - Ordinance No. 3137.

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. Review and approval by the Planning and Zoning Board and City Council of future development plans for pads no. 1 & no. 2;
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. All street improvements and perimeter landscaping to be installed in the first phase of construction;
6. Compliance with all requirements of the Design Review Board;

7. Full compliance with all current Code requirements, unless modified through appropriate review and approval of the variance outlined in the staff report;
8. Review and approval of a Special Use Permit by the Board of Adjustment;
9. 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); and
10. Noise attenuation measures be incorporated into the design and construction of the residence to achieve a noise level reduction of 25 decibels.

- *h. **Z95-118** 945 and 955 East Southern Avenue. Rezone from O-S to C-2 (2.14 acres). This case involves the development of two commercial retail buildings. Charles Larson, owner; Design, Ltd., applicant - Ordinance No. 3138.

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 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. All street improvements and perimeter landscaping to be installed in the first phase of construction;
6. Compliance with all requirements of the Subdivision Regulations for a lot split;
7. Compliance with all requirements of the Design Review Board; and
8. Applicant to conduct an archaeological survey with results provided to the State of Arizona and City of Mesa.

10. Consider the following subdivision plat:

- *a. "DANA RANCH UNIT THREE" - The 1700 block of South 32nd Street (east side), 72 R1-9 DMP single residence lots (23.4 acres). Richmond American Homes; Inc., developer; David Evans & Assoc., Inc., engineer.

11. Adjournment.

It was moved by Councilmember Stapley, seconded by Councilmember Boyd, that the meeting adjourn at 9:35 P.M.

Carried unanimously.

WILLIE WONG, MAYOR

ATTEST:

BARBARA JONES, CITY CLERK

I hereby certify 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 22nd day of January, 1996. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 13 day of February 1996

BARBARA JONES, CITY CLERK