

# COUNCIL MINUTES

January 20, 1998

The City Council of the City of Mesa met in a Regular Council Meeting in the Conference Theatre of the Centennial Conference Center, 201 North Center Street, on January 20, 1998 at 5:55 p.m.

## COUNCIL PRESENT

Mayor Wayne Brown  
Pat Gilbert  
John Giles  
Dennis Kavanaugh  
Joan Payne  
Wayne Pomeroy  
Claudia Walters

## COUNCIL ABSENT

None  
  
POLICE OFFICER  
PRESENT  
  
Roy Dunkelbarger

## OFFICERS PRESENT

C.K. Luster  
Neal Beets  
Barbara Jones

The Invocation was given by Reverend James Brockman, St. Luke's Lutheran Church.

The Pledge of Allegiance was led by Josh Miller, Troop 570.

1. Approval of minutes of previous meetings as written.

It was moved by Councilmember Walters, seconded by Councilmember Pomeroy, that the minutes of December 8, 15, 19, 1997 and January 5, 1998 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. All items identified in these minutes with an asterisk (\*) were approved with one Council action.

It was moved by Councilmember Pomeroy, seconded by Vice Mayor Gilbert, that the consent agenda items be approved.

Carried unanimously.

3. Conduct public hearings.

- a. **A97-5** The 8800 through 9000 blocks of East Broadway Road (north and south sides). Council concurrence with the staff recommendation will allow staff to proceed with the annexation process.

Mayor Brown announced that this is the time and place for a public hearing regarding the proposed annexation.

John Burger, 8939 East Clovis, stated opposition to the proposed annexation.

Mary Loubert, 519 South 89th Place, expressed opposition to the City annexing the property.

Ann Burger, 8939 East Clovis, stated opposition to the potential annexation of her property by the City.

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

It was moved by Councilmember Pomeroy, seconded by Councilmember Walters, that the recommendation of staff be approved.

Carried unanimously.

4. Consider the following liquor license applications.

\*a. WILLIAM B. MURNEY, AGENT

New hotel-motel license for Sheraton Mesa Hotel, 200 North Centennial Way. The hotel-motel license previously held at this location by Cathay Management, Inc., Chen Yuhsein, Agent, will revert back to the State.

\*b. CINDY LEE GERBERS, AGENT

New restaurant license for Cindy's Arizona Cafe, 124 East McKellips Road. The license previously held at this location by Leto, Inc., Leonidas Diamont, Agent, never renewed their 1995 liquor license.

\*c. ROBIN V. MUSMACKER, ETAL

New restaurant license for R&G Fabulous Fifty's, 2655 West Guadalupe Road, #17. The beer and wine bar license previously held at this location by R&G Fabulous Fifty's, Robin V. Musmacker, Etal, will remain with the applicant.

\*d. GEORGE S. VUDRAG, AGENT

New restaurant license for Score's Sports Bar & Grill, 1159 East Main Street. This is an existing business, no previous liquor licenses at this location. **CONTINUED TO THE FEBRUARY 2, 1998, REGULAR COUNCIL MEETING.**

\*e. GERARD T. BISCEGLIA, AGENT

New restaurant license for TGI Friday's, 1720 South Power Road. This is a new business, no previous liquor licenses at this location.

5. Consider the following contracts.

\*a. The Purchasing Division recommends accepting the low bid by Telecommunications Eng'r. Assoc. at \$57,633.96 plus 5% use tax of \$2,881.69 for a total of \$60,515.65.

\*b. Video equipment as requested by the Public Information Office.

The Purchasing Division recommends accepting the low bids as follows:

Items 1 and 2 to E.A.R. Pro Audio-Video at \$52,235.00 plus 6.80% sales tax of \$3,551.98 for a total of \$55,786.98; and

Items 3 - 6 to New Horizons Film & Video at \$14,359.00 plus 6.80% sales tax of \$976.41 for a total of \$15,335.41. The combined award is then \$71,122.39.

\*c. Supply contract for utility bill envelopes as requested by Printing & Graphics Services Division. This contract will provide an 18-24 month supply of utility envelopes.

The Purchasing Division recommends accepting the low bid for Option 1B, one piece send-n-return envelopes printed on recycled paper, by Mail-Well Envelopes at \$75,456.00 plus 6.80% sales tax of \$5,131.00 for a total of \$80,587.00.

\*d. RouteSmart Routing System for ArcView Software for Solid Waste and Facilities as requested by the Information Services Division (ISD).

The recommendation is to accept the proposal from RouteSmart Technologies, Inc., for \$46,700.00, plus 5% use tax on the software of \$1,750.00, for a total of \$48,450.00.

\*e. Annual contract for uniform garments. This program provides uniforms to approximately 200 employees in the Utilities, Public Works, Community Services, Management Services and General Services departments.

The Purchasing Division recommends accepting the lowest overall bid by Martins Uniforms at \$20,501.00 plus 6.8% sales tax of \$1,394.07 for a total of \$21,894.07 based on estimated requirements.

- \*f. Annual contract for wastewater roach control treatment as requested by the Utility Construction Division.

The Purchasing Division recommends accepting the low bid meeting specification by Phoenix Pest Control at \$127,840.00 plus 6.80% sales tax of \$8,693.12 for a total of \$136,533.12 based on estimated requirements.

- \*g. Desert Wells No. 14 - abandonment and replacement.

This project involves the abandonment of an existing potable water well and redrilling of a new well in the same location. The location of this project is 7144 South Meridian.

Recommend award to second bidder, Layne-Western Company, in the amount of \$365,870.00. Low bidder, Bob Beeman Drilling Company does not meet the qualifications of the bid documents.

6. Introduction of the following ordinances and setting February 2, 1998 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 Title 4, Chapter 1, Section 2 of the Mesa City Code relating to fireplace restrictions.
- \*b. Pertaining to the zoning ordinance and the building regulations of the Mesa City Code, amending Title 11, Chapter 13, Section 2 regarding swimming pool enclosures; and adopting a new Chapter 7 or Title 4.

7. Consider the following resolutions.

- a. Authorizing the City Manager to execute an agreement between the City of Phoenix and the City of Mesa for operating and capital assistance under the Federal Transit Administration project AZ-90-045 - Resolution No. 7142.

Jim Wright provided a brief overview of the proposed intergovernmental agreement (IGA) between the City of Mesa and the City of Phoenix. Mr. Wright stated that the IGA would provide funding through the Federal Transit Administration for the capital costs of a public transit system, associated capital maintenance costs, and costs to landscape the transfer facility located at the Mesa Senior Center. Mr. Wright advised that an electronic message sign providing transit information for passengers will be located at the transfer facility.

In response to a question from Vice Mayor Gilbert, Mr. Wright stated that the City will receive 80 percent reimbursement from the federal government for the operation of buses and capital projects.

Luule Brandofino, 61 S. Macdonald, requested that staff assist citizens to better understand proposed projects by providing additional information in their reports. It was moved by Vice Mayor Gilbert, seconded by Councilmember Giles, that Resolution No. 7142 be adopted.

Carried unanimously.

- b. Authorizing the City Manager to execute an agreement between the State of Arizona Department of Transportation and the City of Mesa for the AzTech Intelligent Transportation System Project - Resolution 7143.

Traffic Engineer, Alan Sanderson explained that council approval is requested to execute an agreement between the State of Arizona Department of Transportation and the City of Mesa for the AzTech Intelligent Transportation System Project (AzTech). Mr. Sanderson briefly highlighted the AzTech project and noted that \$7.5 million was awarded to the City of Mesa to develop a transportation system. Mr. Sanderson indicated that the system would utilize electronic message signs and cameras that would provide updated traffic conditions throughout the Valley to citizens and allow City staff to adjust traffic flow to assist in alleviating congested intersections. Mr. Sanderson stated that the traffic information would be available through a variety of resources such as the City's web page, kiosks, and the media. Mr. Sanderson noted that the City will be responsible only for the cost of staff time to implement the project.

Vice Mayor Gilbert expressed the opinion that the project will need to be placed at additional locations in the near future.

In response to questions from Councilmember Walters, Mr. Sanderson explained that kiosks would be located in large public buildings or in large employer centers where individuals may obtain traffic information before leaving the facility. Mr. Sanderson added that kiosks would also assist in making the system visible to the public and generate increased support for the program. Mr. Sanderson advised that the placement of cameras on the Bank of America building at Southern Avenue and Alma School Road would provide City staff the ability to adjust the timing of traffic signals as needed.

In response to a question from Mayor Brown, Mr. Sanderson noted that additional cameras may be installed in the future as demand increases and funding becomes available.

It was moved by Councilmember Walters, seconded by Vice Mayor Gilbert, that Resolution No. 7143 be adopted.

Carried unanimously.

8. Consider the following ordinances.

- \*a. Designating Nassau from University Drive to Adobe Street as a through street; prohibiting parking on the west side of 32nd Street from Baseline Road to a point 300 feet north of Baseline Road, on the west side of 39th Street from Baseline Road to a point 270 feet north of Baseline Road, on Eighth Street from a point 175 feet east of Mesa Drive to a point 105 feet west of Mesa Drive; prohibiting parking from

7 a.m. to 4 p.m. on school days on the south side of Eighth Street from a point 105 feet west of Mesa Drive to a point 545 feet west of Mesa Drive, and on the north side from a point 235 feet west of Mesa Drive to a point 400 feet west of Mesa Drive; and prohibiting parking from 8 a.m. to 4 p.m. on school days on the west side of Longmore from Pampa Avenue to Plana Avenue, and from a point 105 feet north of Peralta Avenue to Peralta Avenue; on the east side of Longmore from Pampa Avenue to a point 515 feet south of Pampa Avenue, and from the south side of the east leg of Peralta Avenue to the south side of the west leg of Peralta Avenue; all as recommended by the Traffic Safety Committee - Ordinance No. 3422.

- b. Amending Sections 11-1-6, 11-5-3, and 11-8-4 pertaining to the definition and permitted locations of recovery homes and supervised living facilities as recommended by the Planning and Zoning Board and the Downtown Development Committee - Ordinance No. 3430.

Mr. Balmer informed Council that the number of halfway houses has reflected a continuous increase over the past several years. Mr. Balmer provided a list of 44 halfway house locations operated by 12 different operators. Mr. Balmer stated that a study group was organized to research halfway houses and recommends a modification to the term "halfway house" to "recovery homes/supervised living facilities." Mr. Balmer explained that the Downtown Development Committee recommends that recovery homes/supervised living facilities not be permitted to locate within the Mesa Town Center in the future based on the fact that there is an overabundance of recovery homes/supervised living facilities currently located within the Mesa Town Center.

In response to questions from Councilmember Walters and Councilmember Kavanaugh, Mr. Balmer advised that existing homes will be grandfathered and permitted to operate indefinitely. Mr. Balmer noted that if the operation ceases, the facility would no longer be grandfathered. Mr. Balmer stated that the halfway house operators are required to obtain an annual license and noted that this practice would continue under the new proposal.

Frank Bennett, 101 East 1st Avenue, expressed support for the proposed amendment to the definition of recovery homes. Mr. Bennett emphasized that recovery home operators have assisted in maintaining the downtown area without City assistance. Mr. Bennett stated concern that the proposed ordinance does not support the continuation of recovery homes.

John Schuaky, 1815 North Center Street, operator of Transitional Living Centers (TLC), spoke in opposition to the proposed ordinance. Mr. Schuaky explained that 225 individuals are currently utilizing TLC services and stressed that City assistance has never been requested.

Patricia Henderson, 1815 North Center, operator of Women in Recovery, indicated opposition to the proposed ordinance and emphasized that recovery homes provide a place for individuals that need assistance to improve their lives and return to the mainstream.

Bill Brando, 61 South Macdonald, suggested that the recovery rate should be a determining factor in the annual renewal process of the operator's license.

Wayne Stevenson, 702 West Pepper Place, a recovery home participant, emphasized the importance of recovery homes to the community and noted the tremendous amount of maintenance and cleanup that recovery homes provide to a neighborhood.

Bobbie Smith, 540 West 1st Street, a recovering addict, informed Council that recovery homes provide individuals with a new chance at life and emphasized that recovery homes assist in maintaining a clean and respectable neighborhood.

William Braneck, 20 South Macdonald, briefly explained the importance of recovery homes and indicated that without the assistance of a recovery home he would not have been able to rebuild his life.

Jack Riggs, 20 South Macdonald, stated support for recovery homes and emphasized the important role of recovery homes in assisting individuals to become respectable citizens.

Ron Cunningham, 20 South Macdonald, explained that he is currently being assisted by a recovery home and as a result he is a productive and respectable member of society.

Mayor Brown emphasized that the proposed ordinance would not close recovery homes but would provide adequate spacing requirements between homes.

Councilmember Kavanaugh explained that the study group referred to by Mr. Balmer consisted of operators and City staff. Councilmember Kavanaugh supported initial recommendations by the group but indicated concerns regarding requirements for a Council Use Permit and the geographic ban for recovery homes in the Town Center. Councilmember Kavanaugh indicated opposition to the proposed ordinance relative to restricting recovery homes from locating in the Town Center and potential legal issues.

Councilmember Giles advised that proposed restrictions to locate new recovery homes in the Town Center would apply only to TCB-1 zoned parcels and stated that very few TCB-1 zoned parcels would be affected by the restriction. Councilmember Giles expressed the opinion that the proposed ordinance would not violate federal law but indicated opposition to the impractical value of the ordinance.

Vice Mayor Gilbert emphasized that the proposed ordinance would not prohibit recovery homes from being located within the City of Mesa but stated that the ordinance would assist in alleviating concerns expressed by citizens regarding the abundance of recovery homes located within the City. Vice Mayor Gilbert stressed the importance of staff and recovery home operators continuing to work together. Vice Mayor Gilbert indicated support for the proposed ordinance.

Councilmember Payne emphasized the importance of recovery homes to a community and stated that the proposed ordinance would provide a good compromise. Councilmember Payne stated that the ordinance would assist in improving existing and future recovery homes and noted that all businesses are required to meet some type of requirement.

Councilmember Walters concurred with Vice Mayor Gilbert. Councilmember Walter stated support for the proposed ordinance and noted the importance of providing guidelines for operators to follow.

Regular Council Meeting

January 20, 1998

Page 8

Councilmember Pomeroy concurred with Vice Mayor Gilbert. Councilmember Pomeroy stated support for recovery home programs but noted the importance of equitably spacing the homes throughout the community.

Mayor Brown stated that staff will continue to work with recovery home operators.

It was moved by Vice Mayor Gilbert, seconded by Councilmember Pomeroy, that Ordinance No. 3430 be adopted.

Upon tabulation of votes, it showed:

AYES - Brown-Gilbert-Payne-Pomeroy-Walters  
NAYS - Giles-Kavanaugh

Mayor Brown declared to the motion carried by majority vote and Ordinance No. 3430 adopted.

(Councilmember Payne left the meeting at 7:25 p.m.)

(At 7:25 p.m. Mayor Brown called for a short recess. The meeting reconvened at 7:35 p.m.)

- \*c. Amending Sections 11-6-3, 11-8-4, 11-8-5, and 11-8-6 pertaining to the regulation of pawn shops, tattoo parlors, and body piercing salons as recommended by the Planning and Zoning Board and the Downtown Development Committee - Ordinance No. 3423.
- \*d. Amending Sections 5-7-2, 5-7-3, and 5-7-4 pertaining to the requirements for obtaining a Pawn Broker License as recommended by the Planning and Zoning Board and the Downtown Development Committee - Ordinance No. 3424.
- \*e. Amending Sections 6-17-1, 6-17-2, and 6-17-3 pertaining to the regulation of body piercing as recommended by the Planning and Zoning Board and the Downtown Development Committee - Ordinance No. 3425.

9. Consider the following utility sale resolution and ordinance.

- \*a. Modifying the terms and conditions for the sale of utilities as recommended by the Utility Committee - Ordinance No. 3426, Resolution No. 7141.

9.1. The Mayor and Council of the City of Mesa give notice of their intention to consider revising water and wastewater development fees, and adopting development fees for parks facilities, library facilities, arterial streets, cultural facilities, police facilities & equipment and fire facilities & equipment.

It was moved by Councilmember Kavanaugh, seconded by Councilmember Pomeroy, that the Mayor and Council of the City of Mesa give notice of their intention to consider revising water and wastewater development fees, and adopting development fees for parks facilities, library facilities, arterial streets, cultural facilities, police facilities & equipment and fire facilities & equipment.

Upon tabulation of votes, it showed:

AYES - Brown-Gilbert-Giles-Kavanaugh-Pomeroy-Walters  
NAYS - None  
ABSENT - Payne

Mayor Brown declared the motion carried unanimously by those present.

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

- \*a. **Z97-78** 3129 East McKellips Road. Rezone from R1-43 (Conceptual C-2) to C-2 (1± acre). This case involves development of a restaurant. William R. Lewis, owner; Dennis Serrine, applicant. **CONTINUED FROM THE OCTOBER 20, 1997 AND DECEMBER 15, 1997 REGULAR COUNCIL MEETINGS. THE APPLICANT HAS REQUESTED THIS CASE BE WITHDRAWN.**
  
- b. **Z97-80** The southeast corner of Stapley Drive and the Superstition Freeway. Rezone from AG to M-1 with a Council Use Permit (37± acres). This case involves development of a movie theater complex with pad buildings. Globe Corporation, owner; Vestar Development Company, applicant. **CONTINUED FROM THE NOVEMBER 17, 1997 AND DECEMBER 15, 1997 REGULAR COUNCIL MEETINGS** - Ordinance No. 3431.

P & Z Recommendation: Approval with Conditions (vote 6-1, Shipley nay).

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.), including location and design of public street access;
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 for theater and free-standing buildings; and
5. Review and approval of a Special Use Permit by the Board of Adjustment for comprehensive sign plan.

Ralph Pew, 10 West Main Street, attorney for the applicant, stated that the proposed movie theater would be located on approximately 40 acres at the southeast corner of the Superstition Freeway and Stapley Drive. Mr. Pew requested that Council approve the applicant's request to rezone the property from AG to M-1 with a Council Use Permit. Mr. Pew briefly highlighted the proposed movie theater complex and noted that the project was recommended by the Planning and Zoning Board, City staff, the Design Review Board, and without objection from MegaCorp. Mr. Pew emphasized that parking will exceed the required number of spaces, that Baseline Road access will be provided, and that approximately 700 full-time and part-time jobs will be created.

In response to a question from Vice Mayor Gilbert, Mr. Pew stated that the theater will create 200 jobs. Dave Larcher, of Vestar Development Company, 2425 East Camelback, added that the remaining 500 jobs will be created through the development of restaurants and retail shops. Dick Walsh, Senior Vice President of Operations for AMC Theaters stated that traffic problems experienced at the new Ahwatukee theater have been taken into consideration when developing the proposed Mesa theater. Mr. Walsh advised that AMC Theaters anticipates approximately \$15 million in sales per year.

In response to a question from Councilmember Giles, Mr. Pew explained that industrial property would be better suited closer to Falcon Field Airport. Mr. Pew expressed the opinion that the theater will attract businesses to the area but noted the importance of maintaining a mix of businesses.

Councilmember Giles noted the importance of maintaining a variety of businesses but emphasized the need to continue to attract businesses that provide well-paid full-time positions.

Councilmember Walters indicated support for the ordinance. Councilmember Walters advised that additional information from staff relative to the Town of Gilbert's concerns, an Economic Impact Statement, and recommendations from the Economic Advisory Board would have assisted in the decision making process and requested that staff provide the additional information in the future.

It was moved by Councilmember Giles, seconded by Councilmember Walters, that Ordinance No. 3431, governing Zoning Case Z97-80 be approved.

Vice Mayor Gilbert expressed concern relative to the City's dependence on sales tax but noted the importance of attracting successful retail businesses to the City of Mesa. Vice Mayor Gilbert indicated support for the project.

Upon tabulation of votes, it showed:

AYES - Brown-Gilbert-Giles-Kavanaugh-Pomeroy-Walters  
NAYS - None  
ABSENT - Payne

Mayor Brown declared the motion carried unanimously by those present and Ordinance No. 3431 adopted.

- c. **Z97-87** 1616 East Broadway. Requesting a Council Use Permit. This case involves a social service facility. Roman Catholic Diocese, owner; Christ the King Catholic Church, applicant - Ordinance No. 3432.

P & Z Recommendation: Denial (vote 3-2, Kathe and Petrie nay)

THIS CASE WAS CONTINUED FROM THE DECEMBER 15, 1997 REGULAR COUNCIL MEETING WITH DIRECTION TO STAFF TO PREPARE AN ORDINANCE WHICH WAS SUBSEQUENTLY INTRODUCED AT THE JANUARY 5, 1998 REGULAR COUNCIL MEETING.

Approval of the case is subject to the following conditions:

1. Compliance with the basic development as shown on the site plan submitted except as noted below;
2. Compliance with the revised project narrative submitted with the applicant's letter dated December 12, 1997; and
3. Compliance with the site improvements documented in the project narrative as well as the installation of a new 6' masonry wall along the perimeter of the property as shown on the site plan.

It was moved by Vice Mayor Gilbert, seconded by Councilmember Kavanaugh, that Ordinance No. 3432, governing Zoning Case Z97-87 be approved.

Vice Mayor Gilbert expressed appreciation to Christ the King Church for their efforts and dedication to the community. Vice Mayor Gilbert encouraged the Church to continue to work with the neighborhood.

Councilmember Giles commended the Church for their exceptional work in the community. Councilmember Giles expressed concern for the individuals that utilized the evening meal program and questioned if the individuals will utilize alternative resources. Councilmember Giles stated a willingness to revisit the issue if resources are unable to handle the additional increase of individuals requesting a meal.

Mayor Brown thanked the Church and the neighbors for working together and developing a compromise.

Upon tabulation of votes, it showed:

AYES - Brown-Gilbert-Giles-Kavanaugh-Pomeroy-Walters  
NAYS - None  
ABSENT - Payne

Mayor Brown declared to the motion carried unanimously by those present and Ordinance No. 3432 adopted.

- d. **Z97-100** 747 East Southern Avenue. Site plan modification (2.5± acres). This case involves a proposal to modify previous stipulated land uses, to allow automotive repair. LCJ Properties, owner; Kelly Mulleneaux, applicant - Ordinance No. 3433.

P & Z Recommendation: Approval with Conditions (Vote 4-2, Shipley and Whalen nay, Udall absent).

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 City development codes and regulations.
4. Compliance with all requirements of the Public Works Department (Engineering and Traffic Engineering, etc.).
5. 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
6. All street improvements and perimeter landscaping to be installed in the first phase of construction.

Kelly Mulleneaux, 747 East Southern, requested that Council approve zoning case Z97-100 to allow an automotive repair shop to be located at 747 East Southern Avenue. Mr. Mulleneaux indicated that the facility was previously utilized by Salt River Project and that

the shop would be operated during the day and would not interfere with evening family time.

Marilyn Jarrett, 4228 East Hope, spoke in support of the proposed automotive repair shop. Ms. Jarrett complimented Mr. Mullenau for his efforts in providing information as requested by the City. Ms. Jarrett advised Council of Mr. Mullenau's expertise in the field and expressed the opinion that the automotive repair shop will be an asset to the community.

In response to a question from Vice Mayor Gilbert, Mr. Balmer stated that Mr. Mullenau met with the neighbors and has assured them that the facility would be maintained to code. Mr. Balmer informed Council that landscaping of the facility will be required and must be completed during the first phase of construction.

It was moved by Vice Mayor Gilbert, seconded by Councilmember Giles, that Ordinance No. 3433, governing Zoning Case Z97-100 be approved.

Upon tabulation of votes, it showed:

AYES - Brown-Gilbert-Giles-Kavanaugh-Pomeroy-Walters  
NAYS - None  
ABSENT - Payne

Mayor Brown declared the motion carried unanimously by those present and Ordinance No. 3433 adopted.

\*e. **297-103** The northeast corner of Dobson Road and Isabella Avenue. Site Plan Review (1.5± acres). This case involves development of a retail project. Park/Gibbs, Development, owner/applicant - Ordinance No. 3427.

P & Z Recommendation: Approval with Conditions (Vote 5-1, Brock nay, Udall absent).

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, at the time of recordation of the subdivision plat, or at the time of the City's request for dedication whichever comes first; and
4. Compliance with all requirements of the Design Review Board.

\*f. **297-104** The 6000 block of East Brown Road (north side). Site Plan Modification (3± acres). This case involves the development of a strip commercial center. Aaron Associates, Leland Sycamore, owner; Design Management, Kenneth O'Keefe, applicant.

P & Z Recommendation: Denial (Vote 6-0, Udall absent). **NO ORDINANCE PREPARED. THE APPLICANT HAS REQUESTED THIS CASE BE REFERRED BACK TO THE PLANNING AND ZONING BOARD.**

- \*g. **Z97-105** 537 South Country Club Drive. Rezone from C-3 and R-4 to C-2 (3.58 acres). This case involves the development of a two-story Roadway Inn and a future pad site. Budget Suites Motel, Manu Ghela, owner; Lemme Engineering, Mark Sidler, applicant Ordinance No. 3428.

P & Z Recommendation: Approval with Conditions (Vote 6-0, Udall absent).

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 Design Review Board of future pad building;
3. Compliance with all requirements of the Public Works Department (Engineering and Traffic Engineering, etc.);
4. Dedicate the right-of-way required under the Mesa City Code at the time of application for a building permit, or at the time of the City's request for dedication, whichever comes first;
5. Compliance with all requirements of the Design Review Board; and
6. Full compliance with all current Code requirements, unless modified through appropriate review and approval of the variances outlined in the staff report.

- \*h. **297-106** North and west of the northwest corner of McDowell and Recker Roads. Site Plan Modification (66± acres). This case involves the establishment of an industrial subdivision. CLULS, L.L.C., owner; Core Group Consultants, applicant - Ordinance No. 3429.

P & Z Recommendation: Approval with Conditions (Vote 6-0, Udall absent).

1. Compliance with the basic development as shown on the preliminary plan submitted, except as noted below;
2. Compliance with all requirements of the Public Works Department (Engineering and Traffic Engineering, etc.);
3. Compliance with all requirements of the Subdivision Technical Review Committee;
4. Review and approval of the Design Review Board of future development plans;
5. 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;
6. 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
7. Noise attenuation measures be incorporated into the design and construction to achieve a noise level reduction of 25 decibels.

11. Consider the following subdivision plat.

- a. "TARA VISTA" - The 6200 & 6300 blocks of East Hermosa Vista Drive (north side) 18 R1-6 single residence lots (6.60 acres) Ron C. France, developer; AGRA Infrastructure, Inc., engineer.

Mr. Balmer reported that the property located at the 6200 & 6300 blocks of East Hermosa Vista Drive was annexed by the City in 1985 and assigned R-1-6 zoning. Mr. Balmer indicated that a preliminary plat for Tara Vista was approved in April of 1997. Mr. Balmer stated that the lot sizes meet City requirements. Mr. Balmer explained that neighbors have expressed concerns relative to the size of the lots and the number of homes.

Larry Walden, 6258 East Mallory, expressed concern relative to the density of the proposed subdivision and the amount of traffic that will be created. Mr. Walden requested that Council consider delaying approval of the final plat to allow sufficient time for the neighbors and the developer to meet.

Bob Estey, 6342 E. Mallory, expressed opposition to the proposed number of homes and requested that Council provide sufficient time for the developer and homeowners to meet.

Roxanne Kelly, 6310 East Mallory, noted concerns relative to the size of the lots, the type of homes proposed, and the development of a half street.

Rebecca Hansen, 6246 East Mallory, provided a picture and map of the neighborhood and stated that the neighborhood consists of one-acre homes. Ms. Hansen expressed the opinion that the proposed homes would not support the rural lifestyle of the existing neighborhood, would create narrow streets and congestion, and would not provide sidewalks or gutters on the north side of the street.

Cynthia Donald, representing the developer, explained that the developer has met with the neighbors located within 300 feet of the development. Ms. Donald stated that the development will consist of semi-custom single-story homes. Ms. Donald noted that the development is in conformance with all engineering requirements.

In response to a question from Vice Mayor Gilbert, Mr. Beets explained that the final plat is a technical document that Council is required to approve if all requirements are met. Mr. Beets indicated that neighborhood concerns reflect zoning issues, not code requirements.

Vice Mayor Gilbert noted the importance of identifying similar zoning situations that may create concerns in the future. Vice Mayor Gilbert stated that Council should move forward with this agenda item.

It was moved by Vice Mayor Gilbert, seconded by Councilmember Walters that the subdivision plat for TARA VISTA be approved.

Upon tabulation of votes, it showed:

AYES	-	Brown-Gilbert-Giles-Kavanaugh-Pomeroy-Walters
NAYS	-	None
ABSENT	-	Payne

Mayor Brown declared to the motion carried unanimously by those present.

12. Adjournment.

Without objection, the Regular Council Meeting adjourned at 8:45 p.m.

---

WAYNE BROWN, 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 Council Meeting of the City Council of Mesa, Arizona, held on the 20th day of January 1998. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this \_\_\_\_ day of \_\_\_\_\_ 1998

---

BARBARA JONES, CITY CLERK