

# COUNCIL MINUTES

January 8, 1996

The City Council of the City of Mesa met in a Regular Session in the Council Chambers, 57 East 1st Street, on January 8, 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

Michael Gadberry

## OFFICERS PRESENT

C.K. Luster  
Neal Beets  
Barbara Jones

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

Pledge of Allegiance, Councilmember Jim Stapley.

Presentation of 1995 Annual Report and State of the City remarks by Mayor Wong.

"For the past three years, I have had the pleasure of reporting to the citizens of Mesa and to this Council about how our community is doing and what we accomplished the previous year. During this time, we have presented the City's Annual Report.

Tonight's presentation makes me both proud and sad at the same time: proud because we made significant accomplishments during 1995, and sad because this is my last State of the City speech as mayor of my hometown.

Our 1995 Annual Report focuses on the creative ways in which our City has developed solutions to the issues facing our growing community. Throughout the report, you'll hear and read about examples of City services which impact the lives of our residents, visitors and businesses each day. We're working hard to tackle the issues which face Mesa: public safety, growth, transportation, quality of life, land use, and recreation. We're solving these issues . . . many times before they even reach the stage of being a problem.

Before I talk about some of the solutions, I want to compliment the Mesa City Council, which provided steadfast leadership during the year. My thanks to the hard-working City management team under the skillful guidance of City Manager Charles Luster and Assistant City Manager Mike Hutchinson.

My sincere appreciation to the 2,500 City employees, who continually strive to provide the best service possible. My personal thanks to two special employees - Ruth Anne Norris and Misty Schultz - who help to keep me on track and on time. And, most especially, I want to recognize the citizens and businesses who call Mesa "home," for you are the ones whom we serve.

Mesa is truly a city of solutions. Let me give you just a brief review of how we have creatively solved problems while keeping a cautious guiding hand on our fiscal resources.

While other areas in the nation suffered from a stagnant economy and dwindling resources, Mesa was once again blessed with continued growth. Nearly 10,000 new residents moved to our city, bringing the population at year's end to 340,000. As we have done in past decades, we were ready for the impact of this growth because we planned for it.

While other areas struggled with fiscal instability, Mesa got a boost. Standard and Poor's upgraded the City's bond rating on our 1995 general obligation bonds to double A minus from A plus. Standard and Poor's cited our continued strong financial performance and the expectation that we will be able to maintain relatively high fund balances for the foreseeable future. We can all take pride in the fact that this Council has built back the City's fund balances and contingencies. At the end of the 1995-96 fiscal year, our city's fund balance was at a record 50 million dollars.

While other governmental agencies cut back, and even cut out services, we were fortunate enough to expand and enhance City services for our citizens and businesses. Let's look at some of the actions we took in 1995 to solve problems.

It's a problem when victims of crime don't know where to turn to for help. Their situation leaves them confused and scared. How do we make the system easier for crime victims? Our solution: A Victim Rights Program, which minimizes the trauma for victims.

Here's another situation we addressed in 1995. How do we make it easier for residents to use public transportation? Our solution: Expand and add new bus routes. With the assistance of the Regional Public Transportation Authority, we also added 23 new wheelchair-accessible mid-sized buses powered with compressed natural gas, an alternative fuel which meets stringent new air quality standards.

Here's another problem. How do we accommodate growth in the outlying areas of our city, while preventing the decay of our older neighborhoods? Our solution: We continued our efforts to develop Williams Gateway Airport, we continued renovating single-family homes downtown, and we helped some social service agencies in providing housing for low income and senior citizens.

We also improved several neighborhood parks in cooperation with the neighbors, civic organizations and public schools. And we began planning for a Neighborhood Office to help stabilize and improve some of our neighborhoods in need. This office should open in a few months.

What about the problem of preventing fires, accidents and drownings? Our solution: Continue our aggressive public awareness and education efforts to educate citizens and businesses about fire and drowning prevention.

And how do we combat crime and make our city a safer place? Our solution: Combat crime through innovative community-based police and citizen education programs.

These are just a few of many examples of how we have worked each day to make Mesa a great community. I encourage you to read about the progress we made last year by getting a copy of the City's 1995 Annual Report. Call our Public Information Office at 644-3770 during office hours, and we'll send you a copy. Again, that number is 644-3770.

Before I close, I want to remind the audience, both here and at home, that we, the City Council and staff, are here to serve you, Mesa citizens.

We are here to listen to your concerns; to work with you and your neighbors to help improve your neighborhood; and to seek out and receive your participation in the process of government. Growth has been and will continue to be inevitable for our community. Our challenge is continuing to plan for more and more residents, more and more businesses -- while keeping our uniqueness and quality of life. With your help, creative solutions will still be the guiding force in Mesa."

1. Approval of minutes of previous meetings as written.

It was moved by Councilmember Boyd, seconded by Councilmember Stapley, that the minutes of December 15, 18, and 22, 1995 be approved.

Carried unanimously.

2. Consider all consent agenda items.

At this time, all matters on the consent agenda were considered or were removed at the request of a member of the Council or a citizen present. All items identified in these minutes with an asterisk (\*) were approved with one Council action.

It was moved by Vice Mayor Jensen, seconded by Councilmember Boyd, 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. Deleted.
- \*b. Deleted
- \*c. Library Advisory Board meeting held January 2.
- \*d. Traffic Safety Committee meeting held December 19.

4. Consider the following liquor license application.

\*a. GARY DENNISON CICCI, AGENT

New Restaurant Liquor License for California Hop, 1010 W. Southern Ave. The Restaurant License previously held at this location will revert back to the State.

\*b. SCOTT FORKENBROCK, MEMBER

Special Event License application of Scott Forkenbrock, Member, for Mesa Jaycees, a one-day civic event to be held Tuesday, January 16, 1996, from 5:00 p.m. to 1:00 a.m., at 640 North Center Street.

5. Consider the following contracts.

- \*a. One-year renewal of the annual contract for tire recapping of truck tires in warehouse inventory. This contract covers sixteen different sizes and types of truck tires.

The Purchasing Division recommends exercising the second and final one-year renewal option with the original lowest overall bid by Consolidated Tire Company for annual purchases estimated at \$51,910.00 plus 7.05% sales tax of \$3,659.65 for a total of \$55,569.65.

- \*b. Annual supply contract for household paint and related sundry supplies. This contract is used by several City departments including Building Maintenance, Parks Maintenance, Solid Waste and Street Maintenance.

The Purchasing Division recommends accepting the lowest overall bid (based on the scoring process used) by Frazee Industries, Inc. for annual purchases estimated at \$70,000.00.

- \*c. 75 steel refuse containers as requested by the Solid Waste Collection Services Division. These containers are used for multi-family residential, commercial and industrial accounts.

The Purchasing Division recommends accepting the low bid by D & L Fabricating at \$32,625.00 plus 7.05% sales tax of \$2,300.06 for a total of \$34,925.06.

- \*d. 11 GHz Microwave Equipment as requested by the Communications Division.

The Purchasing Division recommends accepting the low bid by Nortel at \$421,604.00 plus 5.0% use tax of \$21,080.20 and shipping of \$2,500.00 for a grand total of \$445,184.20.

- \*e. Landscape Maintenance Services for Medians & Right of Way - Section I and II as requested by the Street Maintenance Division.

The Purchasing Division recommends accepting the low bid for Section I by Bowen's Horticulture Services, Inc. at \$175,202.00; and accepting the low bid for Section II by E/G Management at \$147,549.48. The combined award is then \$322,751.48 based on current estimated requirements.

- \*f. 33 light duty trucks (12 new, 21 replacements), 6 vans (5 new, 1 replacement), 3 utility vehicles (2 new, 1 replacement), and 34 administrative sedans (15 new, 19 replacements) for various City departments.

The Purchasing Division recommends authorizing purchase from the following State of Arizona contracts:

Chapman Chevrolet for 34 sedans totaling \$530,339.82; Courtesy Chevrolet for 3 trucks totaling \$45,100.96; Bill Luke Dodge for 30 trucks and 2 vans totaling \$537,215.35; Bill Luke Chrysler for 3 utility vehicles totaling \$66,752.53; and Bell Dodge for 4 vans totaling \$66,242.07.

The combined award is then \$1,245,650.73 which includes applicable sales tax and an extended warranty for each vehicle.

- \*g. East Mesa CNG Emergency Generator.

This project will install an emergency CNG powered generator for the CNG fueling station located at 6943 East Decatur. The generator will provide backup power for the fueling station in case of an electrical outage.

Recommend award to the low bidder, Utility Construction Company, in the amount of \$118,758.00.

\*h. Falcon Field Airport Entry Signs.

This project will install internally illuminated entry signs for the Falcon Field Airport at the Higley Road and Falcon Drive entrance and at the McKellips Road and Falcon Drive entrance.

Recommend award to low bidder, Fluoresco Lighting-Sign Maintenance Corp., in the amount of \$29,310.00.

\*i. Remodel of Mesa City Plaza Building - Phase III (first, fifth, and sixth floors).

This project will remodel the first, fifth and sixth floors of the Mesa City Plaza Building, 20 East Main Street, in order to accommodate the relocation of City offices.

Recommend award to low bidder, JCI Construction, in the amount of \$1,995,500.00, for Base Bid plus alternate No. 1 and Alternate No. 3.

6. Introduction of the following ordinances and setting January 22, 1996 as the date for the public hearing on these ordinances.

**(Note:** City Council introduction 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 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 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.

- \*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.
- \*c. **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.
- \*d. **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.
- \*e. **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.
- \*f. **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.
- \*g. **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.
- \*h. **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.
- \*i. **Z95-118** 945 and 955 East Southern Avenue (2.14 acres). This case involves the development of two commercial retail buildings. Charles Larson, owner; Design, Ltd., applicant.

\*6.1. Approve a special lien agreement pertaining to scalloped street assessments at McKellips and Lindsay Road.

7. Consider the following resolutions:

- \*a. Authorizing the City Manager to execute a drainage easement agreement on behalf of the City of Mesa with Ernest L. Thesman - Resolution No. 6862.
- \*b. Authorizing the City Manager to execute an agreement on behalf of the City of Mesa with the Maricopa County Department of Transportation for the improvement of the McDowell/Gilbert Road intersection - Resolution No. 6863.
- c. Authorizing the City Manager to acquire property on North Norfolk Street to be leased back to A.R.M. of Save the Family for their rental program - Resolution No. 6867.

Bill Brando, 61 South Macdonald, requested additional information relative to this agenda item. Community Development Manager Wayne Balmer provided Mr. Brando with a brief synopsis of the proposed program.

It was moved by Councilmember Gilbert, seconded by Councilmember Boyd, that Resolution No. 6867 be adopted.

Carried unanimously.

- d. Authorizing the City Manager to acquire property on North Mesa Drive to be leased back to PREHAB of Arizona - Resolution No. 6868.

Bill Brando, 61 South Macdonald, questioned the City's justification for purchasing the property on North Mesa Drive and leasing same to PREHAB of Arizona. Mr. Balmer provided Mr. Brando with additional information relative to this agenda item.

It was moved by Vice Mayor Jensen, seconded by Councilmember Stapley, that Resolution No. 6868 be adopted.

Carried unanimously.

- \*e. Deleted.
- \*f. Vacating a portion of roadway in the 4900 block of East Ingram.  
  
Property is being developed as a school site and the roadway is no longer needed Resolution No. 6864.
- \*g. Authorizing the City Manager to execute an Intergovernmental Agreement with the City of Tempe Police Department to provide mutual aid law enforcement services to support Super Bowl XXX and related events which are to occur in Tempe, Arizona in January 1996 - Resolution No. 6865.

- \*h. Modifying Resolutions 6132 and 6302 pertaining to scalloped street improvement assessments in the vicinity of Lindsay Road and McKellips - Resolution No. 6866.

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

- a. **BA95-64** 554 West Main Street. Requesting variances to allow 1) a reduction in the future width right-of-way requirements for Main Street; 2) a reduction in the required height of a screening device adjacent to a public street; 3) a reduction in the required width of landscape areas adjacent to the street, side, and the rear property lines; and 4) to permit a detached sign to exceed the maximum permitted height, all in conjunction with the development of an automobile sales lot in a C-3 district.

Board of Adjustment Decision: Approved with conditions. (Vote 5-0.) THIS CASE IS BEING APPEALED BY A NEIGHBOR.

Community Development Manager Wayne Balmer provided the Council with a brief synopsis of this case and advised that the request for an appeal was filed by representatives of Tony M. Coury Buick who have expressed concerns relative to the variance approval granted by the Board of Adjustment. Mr. Balmer indicated that the main item of concern was the applicant's request to delete the landscaping area along the East property line. Mr. Balmer added that Tony M. Coury Buick's basis of contention is that two car lots will be adjacent to one another and therefore a visual separation should be required between the two sites.

In response to a request from Mayor Wong for representatives of Tony M. Coury Buick to present their views, it was determined that there were no spokespersons present at the meeting.

Randy Wright, the applicant in this case, commented on his intention to purchase the vacant parcel of land currently under discussion and to develop it into a used car business. Mr. Wright stated that the vacant site adjoins Mr. Coury's property and added that because of the limited width of the parcel he is considering purchasing, he would be unable to meet the City's landscaping requirements and still maintain sufficient property width in which to operate his intended business.

Discussion ensued relative to the applicant's willingness to erect a 3-foot high block wall as a divider between the properties, the applicant's concerns relative to restricting his use by the additionally required 10', the absence of landscaping on Mr. Coury's property due to the fact that the business was operational prior to the implementation of the landscaping requirements, and the fact that the applicant will be forced to abandon his business plans should the Council require the additional 10' of landscaping.

In response to a question from Councilmember Gilbert, Mr. Balmer discussed the fact that staff has met with Mr. Coury to discuss the landscaping/screening issue and noted Mr. Coury's concern that it will appear both of the businesses are operated by Tony Coury Buick should the visual separation be eliminated. Mr. Balmer stated the opinion that additional options may have been considered in order to reach a satisfactory conclusion.

Mr. Wright reiterated his willingness to discuss additional options relative to this issue.

In response to a question from Councilmember Gilbert, City Attorney Neal Beets stated that this issue may be continued to allow both parties to explore a mutually acceptable solution to their concerns. Mr. Beets added that should an agreement be reached, Mr. Coury would then withdraw his appeal and this would negate additional discussion and consideration by the Council.

Vice Mayor Jensen concurred with Councilmember Gilbert's comments and stressed the importance of arriving at a consensus relative to this issue.

Councilmember Stapley stated concern relative to the width of the applicant's property and indicated that he would support a decreased landscaping barrier width. Councilmember Stapley agreed that Mr. Coury and Mr. Wright should have an opportunity to further discuss this issue in an effort to reach an acceptable compromise.

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

Carried unanimously.

Community Development Manager Wayne Balmer informed the Council that the applicant in the following zoning case (ZA94-123TC) has submitted additional documentation for consideration and requested that a recess be declared to allow the Council an opportunity to review the materials.

(Mayor Wong declared a recess at 6:15 p.m. and the meeting resumed at 6:24 p.m.)

9. Public hearing and consideration of the following case:

- a. **ZA94-123TC** 48 North Robson. Consider revocation or modification of existing Special Use Permit due to alleged violations of existing Permit; consider permit holder's proposed modifications to its Special Use Permit and variance to reduce on-site parking in conjunction with the renovation and occupancy of the subject property.

Paul Gilbert, 3200 North Central, Phoenix, an attorney representing the applicant, provided the Council with brief background information relative to this case. Mr. Gilbert acknowledged that the applicant has expanded the business beyond the confines of the original Special Use Permit and indicated Coffee Talk's intention to address these issues and abide by all future City Council rules and regulations.

Mr. Gilbert discussed the 11 conditions for approval recommended by staff and informed the Council that Coffee Talk will be unable to operate if the business is not allowed to conduct outdoor entertainment. Mr. Gilbert reported that the applicant is agreeable to 9 of the 11 proposed stipulations and requested the following modifications to condition numbers 2 and 5:

- 2) All outdoor entertainers and all entertainment to be relocated to a new patio to be constructed on the East elevation as shown on the site plan submitted to the City Council on January 8, 1996. No entertainment or entertainers will be permitted in the West or South patio areas; however, the existing stage/platform may remain and other non-entertainment related activities such as outdoor dining, art displays, or other similar functions may be permitted in these areas;
- 5) Outdoor dining may occur on the West patio, the South patio, the front porch, or the new patio proposed for the East elevation. All outdoor dining and/or seating areas are to be limited to a maximum seventy-five (75) tables and three hundred (300) chairs as generally shown on the site plan submitted to the City Council on January 8, 1996.

Mr. Gilbert referred to a revised site plan distributed to the Council and explained the recommended modifications. Mr. Gilbert indicated the applicant's willingness to agree that acoustical amplification and microphones will be eliminated. Mr. Gilbert noted that the number of tables listed in the proposed modification to stipulation #5 should be amended from 75 to 55 tables.

Discussion ensued relative to zoning in the area, the goals of Town Center, Mr. Gilbert's opinion that a majority of the complaints filed against Coffee Talk were the result of three individuals, entertainment, and performances at the Mesa Amphitheatre.

Vice Mayor Jensen indicated that although he is not pursuing the elimination of Coffee Talk as a business entity in the Town Center, issues such as non-compliance and complaints cannot be ignored.

In response to a question from Councilmember Gilbert, Mr. Paul Gilbert advised that there are currently 25 tables outside, a majority of which are located in the rear yard.

Discussion ensued relative to the number of tables and chairs on the premises as determined by staff, the fact that according to the stipulations, outdoor entertainment

will cease at 10:00 p.m., indoor entertainment will be provided until 2:00 a.m., the fact that indoor entertainment will be amplified, and the importance of addressing neighbors' concerns.

Councilmember Stapley indicated that the applicant's proposed modifications omitted items previously discussed between Councilmember Stapley and the applicant, and outlined the excluded items. Mr. Gilbert concurred with Councilmember Stapley's remarks and indicated that the applicant is willing to stipulate that there would be no outdoor dining on the south and rear patios past 10:00 p.m. Mr. Gilbert added that outdoor dining would be allowed on the front patio. Mr. Gilbert also advised that the applicant is willing to stipulate that all weddings would occur inside the building. Mr. Gilbert stated that the number of allowable chairs outlined in revised stipulation #5 may be changed from 300 to 220.

Discussion ensued relative to Fire Codes and allowable seating capacity.

Tom Picciolli, 1100 North Wilmont, Tucson, an attorney representing the View Apartments, stated the opinion that the key issues to be addressed are competing land uses and inappropriate land uses. Mr. Picciolli pointed out that approximately ten years ago, the parcel of land which houses the View Apartments was approved for residential development.

Mr. Picciolli advised that the owner of Coffee Talk initially indicated her intention to operate a cafe with an additional concession to allow outdoor dining. Mr. Picciolli stated the opinion that the applicant is operating an outdoor nightclub.

Discussion ensued relative to responses to complaints received regarding Coffee Talk, the fact that a large number of residents of the View Apartments have indicated that the outdoor entertainment constitutes a nuisance, sound measurements and noise levels, Mr. Picciolli's opinion that restricting entertainment in all areas except the front patio will alleviate a majority of problems, and concerns relative to the number of allowable patrons at the establishment.

Mr. Picciolli requested that the Council adopt the recommendations of staff without the proposed revisions.

In response to a question from Councilmember Gilbert, Mr. Picciolli indicated that he would support the revised modification to stipulation #2 but added that stipulation #5 remains an issue of critical concern.

Phil Smalec, owner of the condominiums located to the west of Coffee Talk, informed the Council that he was initially advised by MEGACORP that Coffee Talk was a coffee shop. Mr. Smalec stated that he invested a substantial amount of money into the purchase of the condominium units and expressed the opinion that Coffee Talk is negatively

impacting his investment. Mr. Smalec commented that the applicant has failed to comply with regulations and requested that the business be subject to the terms of the original Special Use Permit.

Discussion ensued relative to noise generated by the business and Mr. Smalec's opinion that the amount of people, rather than the entertainment, is responsible for the noise levels. Mr. Smalec requested that the Council direct the applicant to comply with the terms and conditions of the initially granted Special Use Permit or be subject to a revocation of that permit.

(Mayor Wong declared a recess at 8:05 p.m. and the meeting reconvened at 8:20 p.m.)

Mayor Wong stated that in the interest of time, citizens who wish to present their views will be limited to two minutes per person.

The following persons spoke in support of Coffee Talk and voiced opposition to the revocation or modification of the establishment's Special Use Permit:

Erica White	1418 South Del Mar
Angelique Hoffman	47 East Hillside Street
G. Robert Meko	618 North Rosemont Circle
Justin Lund	2545 East Harmony
David Molina	1333 North Higley Road, #3
Kristin Mazzone	4763 East Caballero
Jennifer Jackson	1230 North Mesa Drive, #131
Jason Powell	2330 East Edgewood Circle
Donna Foy	939 West Madero Avenue
Janien Dial	337 North Pioneer
Torben Gilbert	P.O. Box 2920
Bill Brando	61 South Macdonald
Sarge Lintecum	P.O. Box 25421
Kathy Adams	1762 East Fairfield
Donna McNeley	22 North Robson, #606
Mike Graves	7911 East Irwin
Patrick Mc	9003 East Main

The above speakers, many of them youths who perform at Coffee Talk, discussed the establishment's cultural and artistic contributions, the importance of redevelopment and specifically night life in the Town Center area and the positive impacts of Coffee Talk on many of the youths in the City.

Lydia Lynch	22 North Robson, #1002
Donna McNeley	22 North Robson #606

The above two speakers advised that they are residents of the View Apartments and indicated that although they are not attempting to jeopardize Coffee Talk's existence, their concerns relative to noise are justifiable and should be addressed.

Jan ("J.P.") Paderewski, 48 North Robson, the owner/applicant of Coffee Talk, expressed appreciation to those members of the audience who support Coffee Talk. Ms. Paderewski informed the Council of her intention to comply with all City of Mesa regulations.

Mayor Wong thanked the speakers for their input.

Vice Mayor Jensen stressed the importance of determining a solution that meets the needs of all three parties involved and which will ensure that Coffee Talk operates within the regulatory guidelines outlined by the City.

Vice Mayor Jensen discussed stipulation #5 and recommended that the seating on the north side of the walkway be eliminated and that the tables be utilized in the rear of the building to eliminate the need to decrease the number of tables. Vice Mayor Jensen added that this recommendation would not be part of the use in terms of dining. Vice Mayor Jensen summarized his suggestion by stating that the east use would be limited and additional space would be gained on the North side which may alleviate a portion of Mr. Smalec's concerns. Vice Mayor Jensen added that the walkway would serve as the dividing line.

Mr. Gilbert noted that the number of tables would remain the same but would be located on the east side. Mr. Gilbert indicated that the recommended compromise is acceptable to the applicant.

In response to a question from Mayor Wong, Community Development Manager Wayne Balmer advised that a one-year review may be stipulated.

Vice Mayor Jensen indicated that his recommendation does not address tables on the west end of the establishment. Vice Mayor Jensen expressed the opinion that quiet dining at these tables has had little or no effect on the neighbors and outdoor situation.

Mayor Wong concurred with Vice Mayor Jensen's remarks.

Councilmember Boyd expressed concern relative to the amount of seating (76 chairs) which would be allowed on the west side and questioned the impact on Mr. Smalec's property. Councilmember Boyd added that the tables are to be used for dining purposes only and stated the opinion that the tables should be divided between the west and the south ends of the building.

It was moved by Vice Mayor Jensen, seconded by Councilmember Stapley, that the applicant's request be approved as shown on the revised site plan submitted on January 8, 1996, subject to the following conditions:

1. All outdoor entertainers and all entertainment to be relocated to the new east patio. No entertainment or entertainers will be permitted in the west or south patio areas. The existing stage/platform in the west patio may remain and be used for other non-entertainment related activities such as outdoor dining, or art displays. The existing stage lighting, however, is to be removed and replaced with lighting consistent with that found in the rest of the patio;
2. Outdoor dining may occur on the west patio, South patio, the front porch, or the new east patio. Total outdoor dining and/or seating areas will not exceed fifty-five (55) tables and two hundred and twenty (220) [subject to the results of Stipulation No. 3] chairs as generally shown on the site plan, and shall be distributed as follows: west patio, 19 tables and 76 chairs; south patio, 6 tables and 24 chairs; east patio, 30 tables and 120 chairs with the exception that tables and chairs may be moved from the west patio to either the south or east patio, but not vice versa. Outdoor dining in the west and south patios will end at 10:00 p.m. daily, while outdoor dining in the east patio may continue until 2:00 a.m. daily. All tables and chairs and entertainment located on the east patio will be located south of the main entry walkway;
3. Resolution of all outstanding building code compliance issues within thirty (30) days, including completion of building code, fire code, engineering and zoning, studies of the expanded use, and completion of all items required as a result of these studies within thirty (30) days;
4. Expansion to include the commercial use of the rear structure, identified as Phase II on the site plan, is not approved;
5. The location and size of the proposed new stage/band in the east patio, along with any related stage lighting, are to be approved by the redevelopment staff prior to construction;
6. All outdoor entertainment to be non-electrically amplified (i.e., acoustical);
7. All outdoor entertainment will end by 10:00 p.m. daily;
8. Compliance with all building code requirements to relocate retail activities in the second story of the main building within thirty (30) days, or removal of these uses;
9. Removal of all illegal signage and receipt of sign permits for all proposed lawful signs within thirty (30) days;

10. Applicant is to develop a "good neighbor" policy within thirty (30) days in consultation with the MEGACORP department, staff and neighbors, which will describe specific actions to be taken to help ensure future compatibility between Coffee Talk and its residential neighbors. Specific items to be addressed include litter control, parking, types of performances/performers proposed, sound levels, hours of operation, lighting, and enforcement.
11. Review by the Downtown Development Committee of continued compliance with these conditions as part of a review of this Special Use Permit at their December 1996 meeting; and
12. Review by the Downtown Development Committee of continued compliance with these conditions may also be done at an earlier date, if requested by staff.

Councilmember Gilbert stated that he would support the motion with reservations. Councilmember Gilbert stressed the importance of communicating with neighbors and City staff relative to the operation of Coffee Talk.

Carried unanimously.

10. Adjournment.

It was moved by Councilmember Stapley, seconded by Councilmember Boyd, that the meeting adjourn at 9:31 p.m.

Carried unanimously.

WILLIE WONG, MAYOR

ATTEST:

BARBARA JONES, CLERK

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I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the Regular Session of the City Council of Mesa, Arizona, held on the 8th day of January, 1996. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 24th day of January 1996

BARBARA JONES, CITY CLERK