

# COUNCIL MINUTES

August 5, 1996

The City Council of the City of Mesa met in a Regular Council Meeting the Council Chambers, 57 East 1st Street, on August 5, 1996, 1996 at 5:36 P.M.

## COUNCIL PRESENT

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

## COUNCIL ABSENT

None

## POLICE OFFICER PRESENT

Scott Martin

## OFFICERS PRESENT

C.K. Luster  
Neal Beets  
Barbara Jones

The Invocation was given by Councilmember Jensen.

The Pledge of Allegiance was led by Kirt McKay, Troop 857.

### 1. Approval of minutes of previous meetings as written.

It was moved by Councilmember Stapley, seconded by Vice Mayor Gilbert, that the minutes of July 12, 15, and 26, 1996, be approved.

Carried unanimously.

### 2. Prescheduled public opinion appearances (maximum of three speakers for five minutes per speaker).

- a. Hear front Jackie Duvall regarding developing adequate recreational facilities in northeast Mesa.

Jackie Duvall, Regional Commissioner, American Youth Soccer Organization (AYSO), Region 1079, distributed information to Council and spoke concerning what she believes is the inadequacy of sports (soccer) facilities for Mesa's youth. Ms. Duvall provided statistics pertaining to the City's rapidly growing population and requested that Council take action to develop adequate recreational facilities, particularly in northeast Mesa.

- b. Hear from Kirby Allan regarding administrative commitments to the people.

Kirby Allan, 2043 East Hackamore, expressed concern pertaining to the conduct of Council meetings and the role of the Mayor and Council in relation to Proposition 200.

3. Conduct a public hearing on assessments for East Hermosa Vista Drive, Assessment District No. 96-85 (scalped street project).

Mayor Brown announced that this is the time and place for a public hearing regarding Assessment District No. 96-85.

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

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

Carried unanimously.

5. Consider the following liquor license application:

a. RANDY GENE WOOD, AGENT

Person and location transfer bar license for The Woodshed II, 430 North Dobson Road. This transfer is from James M. Wools, Agent, Country City Too, 7043 East McDowell Road, Scottsdale, to Randy Gene Wood, Agent, The Woodshed II, Inc., 430 North Dobson Road.

Kenneth Sundlof, representing Randy Wood, noted that bars are not allowed within the City in areas zoned as C-2 but stated the opinion that the Woodshed II is not a bar and will not operate as a bar even after the transfer to a Class 6 license. Mr. Sundlof commented that approval of the license does not convert the Woodshed II to a bar and will not exempt the establishment from the requirements of a C-2 zone (40 percent food sales). Mr. Sundlof provided examples of establishments located within areas zoned as C-2 having a Class 6 rather than a Class 12 license.

Mr. Sundlof advised that Mr. Wood has expended \$50,000 toward the Class 6 license, which would allow him to apply for a variance under the provisions of Proposition 200. Mr. Sundlof spoke concerning decreased revenues at the Woodshed II as a result of the new smoking measure and urged Council to approve the license transfer.

In response to a request for clarification from Councilmember Jensen, City Attorney Neal Beets reported that a Class 6 license allows an establishment to operate without a required food sales percentage. Mr. Beets said that the application before Council appears to be in violation of the City's zoning code, which does not permit a Class 6 license in an area zoned as C-2, even if an establishment continues to meet food sales of 40 percent. Mr. Beets noted that to qualify for a variance under the provisions of Proposition 200, an establishment

must operate as a bar. Mr. Beets commented that a business cannot be considered a bar for purposes of Proposition 200 and a restaurant for purposes of zoning (C-2).

Mr. Sundlof indicated disagreement with Mr. Beets. In response to a question from Vice Mayor Gilbert, Mr. Sundlof stated that an existing requirement of the C-2 zone involves required food sales of 40 percent and that a Class 6 liquor license would not preempt the requirement.

Mr. Beets reiterated that a Class 6 license permits less than 40 percent food sales and that Proposition 200 requires operation as a bar to qualify for a variance. Mr. Beets stated that the transfer request appears not to comply with the City's zoning regulations.

Councilmember Kavanaugh questioned Mr. Beets relative to standards for denial of a liquor license application. Mr. Beets expressed the opinion that the City is to consider public interest and convenience and to review surrounding uses to determine compatibility. Mr. Beets commented that applying for a license transfer is an indication that the establishment is choosing a license that would allow them to operate differently. Mr. Beets stated the assumption that the business has plans for use of the Class 6 license.

In response to further questions from Councilmember Kavanaugh, Mr. Beets provided background information concerning development of the City's code relative to C-2 zoning and establishments "grandfathered" under previous regulations.

It was moved by Councilmember Kavanaugh, seconded by Councilmember Payne, that the person and location transfer application be approved.

Councilmember Kavanaugh stated that Mr. Wood has indicated that he wishes to comply with the requirements of Proposition 200 and does not intend to change the use of the Woodshed II. Councilmember Kavanaugh commented that criteria for denial of the application are not present and that approval of the request would not have an adverse impact on the City.

In response to a question from Mayor Brown, Mr. Beets expressed the opinion that a Council recommendation for approval of the liquor license request represents a violation of the City's zoning code.

Councilmember Giles noted his previous suggestion that Council consider an amendment to the zoning code and stated his agreement with Mr. Beets that the establishment cannot operate as a bar for purposes of Proposition 200 and as a restaurant for purposes of zoning. Councilmember Giles said that he will vote against the motion.

Councilmember Jensen spoke regarding the importance of compliance with the City's zoning regulations. Councilmember Jensen indicated that he does not support the motion.

Mr. Sundlof reiterated that the zoning code does not allow bars in areas zoned as C-2 but expressed the opinion that the Woodshed II is not a bar.

Mayor Brown expressed concern pertaining to the precedent that may be set should Council recommend approval of the liquor license request. Mayor Brown noted that lawsuits have

been filed relative to aspects of Proposition 200 perceived to be discriminatory by various citizens/businesses.

Upon tabulation of votes, it showed:

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

Mayor Brown declared the motion failed by majority vote.

\*b. TERRANCE LEE SIMS, AGENT

New restaurant license for Stuart Anderson's Black Angus Restaurant, 6902 East Hampton Avenue. This is a new business; currently there are no liquor licenses at this location.

6. Consider the following bingo license application:

\*a. CLASS A

Las Palmas Ltd. Partnership  
Nancy Frey-Markell, Activity Director  
215 North Power Road  
Mesa, AZ 85205

7. Consider the following contracts:

- \*a. Modular workstations and chairs for the new Police Identification Services facility and replacement secretarial workstations for the Falcon Police Substation as requested by the Police Department.

Council is requested to authorize purchase from the State of Arizona contract with Goodman's Inc. for a total of \$56,988.98 including materials, design services, delivery, installation, and applicable sales tax.

- \*b. One new medium-volume copier for the Police Department.

The Purchasing Division recommends authorizing purchase from the State of Arizona contract with Infincom/Business Systems at \$12,489.00 plus 6.95% sales tax of \$867.98 for a total of \$13,356.98.

- \*c. One hundred fifty semi-automatic pistols as requested by the Police Department. These pistols will be used for new officers that will be hired by the City.

The Purchasing Division recommends accepting the low bid meeting specification by Davidson's at \$63,079.50 plus 6.05% sales tax of \$3,784.77 for a total of \$66,864.27. The apparent low bidder, Rangemaster-L.E. Division's base bid, did not provide the night sights and trigger style required in the specification.

- \*d. Annual supply contract for ryegrass seed used by the Parks and Recreation Division and the Golf Courses.

The Purchasing Division recommends accepting the low bid for Items 1 and 2 by Garden West Distributors at \$48,720.00 plus 7.05% sales tax of \$3,434.76 for a total of \$52,154.76 based on estimated requirements.

- \*e. Two replacement video fax systems as requested by Public Information.

The Purchasing Division recommends accepting the lowest overall bid by Chambers Communications at \$24,650.00 plus 7.05% sales tax of \$1,737.82 for a total of \$26,387.82.

- \*f. Class 3000 gas meters for warehouse inventory as requested by the Utility Services Division. These gas meters will be used for commercial accounts.

The Purchasing Division recommends accepting the low bid by DMD-Measurement Operation at \$10,098.00 plus 5% use tax of \$504.90 for a total award of \$10,602.90 based on estimated requirements.

- \*g. One-year renewal of the annual supply contract for internally illuminated street name signs as requested by the Transportation Division.

The Purchasing Division recommends exercising the first of 2 one-year renewal options with the low bidder, Fluoresco Lighting-Sign, for annual purchases estimated at a maximum of \$85,000.00. Fluoresco Lighting-Sign is willing to renew at the same prices, terms, and conditions.

- \*h. Gas system replacement (235 West Southern Avenue).

This project will replace the existing gas system in the Fiesta Village Mobile Home Park at 2135 West Southern Avenue.

Recommend award to low bidder, Advantage Contracting, in the amount of \$66,227.32.

(This item was deleted from the agenda.)

- \*i. Mesa Cemetery burial niche wall concrete foundation and site work.

This project will install concrete foundations and walkways for the new cremation niche walls at the Mesa Cemetery, 1212 North Center Street.

Recommend award to low bidder, Mordex Contracting, Inc., in the amount of \$14,800.00.

- \*j. Mesa Cemetery burial niche wall.

This project will install a granite cremation niche wall at the Mesa Cemetery, 1212 North Center Street. This project consists of a total of two hundred forty (240) cremation niches.

Recommend award to low bidder, Koppenberg Enterprises, Inc., in the amount of \$32,298.00.

- k. 110 Personal Computers (PCS) and Associated Software for City Departments as requested by the Information Services Division.

The Purchasing Division recommends authorizing purchase from the State of Arizona contract with Infinsys as primary supplier at \$356,290.00 plus 7.05% sales tax of \$25,118.45 for a total award of \$381,408.45. A secondary contract is also recommended for Bottomline Enterprises, also on State contract. This contract will be utilized in the event that the primary supplier cannot meet the City's requirement for a particular unit(s).

(This item was deleted for continuation to the August 26, 1996 Regular Council Meeting.)

8. Introduction of the following ordinances and setting August 26, 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. Combining the Housing and Human Services Advisory Boards.
- \*b. Prohibiting parking from 10:00 p.m. to 4:00 a.m. on Vineyard from Juanita Avenue to Iron Avenue and on the south side of Iron Avenue from Vineyard to a point 520 feet west of Vineyard; prohibiting parking on Inverness Avenue from Gilbert Road to a point 275 feet east of Gilbert Road, on Macdonald from Baseline Road to a point 280 feet north of Baseline Road, on the north side of Emelita Avenue from Sycamore to a point 190 feet east of Sycamore, and on the south side of Mahoney Avenue from Forest to the east side of Shouse; reducing the speed limit from 50 mph to 45 mph on Main Street from a point 1,620 feet west of Greenfield Road to the east City limits and on Sossaman Road from Baseline Road to Guadalupe Road; and reducing the speed limit from 45 mph to 40 mph on Alma School Road from U.S. 60 (Superstition Freeway) to Baseline Road, on Country Club Drive from U.S. 60 (Superstition Freeway) to Baseline Road, and on Dobson Road from U.S. 60 (Superstition Freeway) to Baseline Road; all as recommended by the Traffic Safety Committee.
- \*c. Re-establishing the 35 mph speed limit on Horne from McKellips Road to Lehi Road; and reducing the speed limit from 30 mph to 25 mph on McLellan Road from Val Vista Drive to Greenfield Road and on 40th Street from Brown Road to McLellan Road.

- \*d. **Z96-52** The northeast corner of University Drive and Signal Butte Road. Rezone from R-2 and C-2 to R1-6 (35.03 acres). This case involves the development of a 126 lot conventional subdivision. Carl C. Jacobson, Sr. Trust, owner; Providence Development, applicant.

P&Z Recommendation: Approval with conditions. (Vote 5-0.)

1. Compliance with the basic development as shown on the preliminary plat submitted, except as noted below;
2. Review and approval by the Planning and Zoning Board and City Council of future commercial 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 recordation of the subdivision plat or at the time of the City's request for dedication, whichever comes first;
6. Compliance with all requirements of the Subdivision Technical Review Committee;
7. Subject to staff approval, provide a project narrative detailing elements to create residential diversity;
8. Lots to be addressed within the City of Mesa; and
9. Subject to architectural diversity narrative submitted by applicant.

- \*e. **Z96-53** The southwest corner of Broadway Road and Sossaman Road. Rezone from R1-6 to C-1 and Site Plan Modification (1± acre). This case involves the expansion of an existing convenience store to add gas pumps. Circle K Corporation, owner; Frederick Hovespian, applicant.

P&Z Recommendation: Approval with conditions. (Vote 5-0.)

1. Compliance with the basic development as shown on the site plan and elevations submitted; except as noted below;
2. Compliance with all requirements of the Public Works Department (Engineering and Traffic Engineering, etc.);
3. Dedicate the right-of-way required under the Mesa City Code at the time of application for a building permit or at the time of the City's request for dedication, whichever comes first;
4. Compliance with all requirements of the Design Review Board;
5. Full compliance with all current Code requirements, unless modified through appropriate review and approval of the variance(s) outlined in the staff report;
6. Review and approval of a Special Use Permit by the Board of Adjustment for gas pumps and car wash; and
7. Provide Code-required landscape area and plant materials along Broadway street frontage.

- \*f. **Z96-54** The 800 block of South Greenfield road (west side). Site plan modification (2± acres). This case involves the development of an adult care home. Greenfield Asset Group, owner; Michael Jones, applicant.

P & Z Recommendation: Approval with conditions. (Vote 5-0.)

1. Compliance with the basic development as shown on the site plan and elevations submitted, except as noted below;
2. Review and approval by the Planning and Zoning Board and City Council of future development plans;
3. Compliance with all requirements of the Public Works Department (Engineering and Traffic Engineering, etc.); and
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.

- \*g. **Z96-55** 'The northeast corner of Power Road and Madero Avenue. Site plan modification (4± acres). This case involves the development of a mini-storage facility. Horizon Real Estate, owner; Westar Architectural Group, applicant.

P & Z Recommendation: Approval with conditions. (Vote 5-0.)

1. Compliance with the basic development as shown on the site plan and elevations submitted, except as noted below;
2. Compliance with all requirements of the Public Works Department (Engineering and Traffic Engineering, etc.);
3. Dedicate the right-of-way required under the Mesa City Code at the time of application for a building permit or at the time of the City's request for dedication, whichever comes first;
4. Compliance with all requirements of the Design Review Board;
5. Full compliance with all current Code requirements, unless modified through appropriate review and approval of the variance(s) outlined in the staff report;
6. Review and approval of a Special Use Permit by the Board of Adjustment for a mini-storage and manager's quarters;
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 (prior to the issuance of a building permit);
8. Noise attenuation measures be incorporated into the design and construction of the manager's residence to achieve a noise level reduction of 25 decibels;
9. Hours of operation be limited to the hours between 6:00 a.m. and 10:00 p.m.;
10. Incorporate security aspects into the project to include an automated gate system; and
11. Subject to Design Review Board approval; provide enhanced landscaping along street frontages in lieu of required landscaping along interior property lines.

- \*h. **Z96-56** The 1300 and 1400 blocks of South Greenfield Road (east side) and the 4400 and 4500 blocks of East Southern Avenue (south side). Rezone from C-2 to R-3 (15± acres). This case involves the development of a 248-unit apartment complex. Max Killian, owner; AG Spanos, Co., applicant.

P & Z Recommendation: Approval with conditions. (Vote 5-0.)

1. Compliance with the basic development as shown on the site plan and elevations submitted, except as noted below;
2. Compliance with all requirements of the Public Works Department (Engineering and Traffic Engineering, etc.);

3. Dedicate the right-of-way required under the Mesa City Code at the time of application for a building permit or at the time of the City's request for dedication, whichever comes first; and
4. Compliance with all requirements of the Design Review Board.

- \*i. **Z96-57** The southeast corner of Southern Avenue and Hawes Road. Rezone from AG to R-4 (35+/- acres). This case involves the development of a travel trailer park. Catholic Diocese of Phoenix, owner; Beus Gilbert & Morrill, applicant.

P&Z Recommendation: Approval with conditions. (Vote 4-1.)

1. Compliance with the basic development as shown on the site plan and elevations submitted except as noted below;
2. 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;
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. All street improvements and perimeter landscaping to be installed in the first phase of construction;
6. Future condemnation or purchase of property for freeway construction to be limited to appraised fair market value of land only, excluding value of property improvements and/or removal of improvements;
7. Written notification to be provided to all residents regarding freeway location and potential for relocation; and
8. All permanent structures to be located outside future freeway right-of-way location.

- \*j. **Z96-59** 23 South Temple. Rezone from C-2 to R1-6 (0.5± acre). This case involves rezoning a single residence to a conforming R1-6 district. Tom Hughes, owner/applicant.

P&Z Recommendation: Approval with condition. (Vote 5-0.)

1. Compliance with the requirements of the R1-6 district.

- \*k. **Z96-60** South and west of the southwest corner of Main Street and 70th Street. Rezone from C-2 and R-4-PAD to R-4-BIZ and R-4-PAD-BIZ (7.6± acres). This case involves a retirement project containing 42 assisted living units and 192 apartment units. John Norris, owner; Craig Angell, applicant.

P&Z Recommendation: Approval with conditions. (Vote 5-0.)

1. Compliance with the basic development as shown on the site plan and elevations submitted, except as noted below;
2. Compliance with all requirements of the Public Works Department (Engineering and Traffic Engineering, etc.);
3. Dedicate the right-of-way required under the Mesa City Code at the time of application for a building permit, 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 Design Review Board; and

5. Provide written notice to future residents and purchasers of proximity and activities of adjacent elementary school and municipal park.

- \*1. **Z96-61** South and west of the southwest corner of Guadalupe Road and Country Club Drive. Site Plan Modification (10± acres). This case involves a proposed mini-storage/RV storage facility. Walker Construction Co., owner; Carter – Schubert Architects, applicant.

P&Z Recommendation: Approval with conditions. (Vote 5-0.)

1. Compliance with the basic development as shown on the site plan and elevations submitted, except as noted below;
2. Compliance with all requirements of the Public Works Department (Engineering and Traffic Engineering, etc.);
3. Dedicate the right-of-way required under the Mesa City Code at the time of application for a building permit or at the time of the City's request for dedication, whichever comes first;
4. Compliance with all requirements of the Design Review Board; and
5. Review and approval of a Special Use Permit by the Board of Adjustment (mini-storage).

- \*m. **Z96-62** The 2600 block of North 24th Street (east side). Rezone from R1-35 to R1-15 PAD (17.6+/- acres). This case involves a proposed 38-lot single-residence subdivision. Marshal & Ilsley Trust Co. and William Crisp, owners; UTAZ Investment L.C., applicant.

P&Z Recommendation: Approval with conditions. (Vote 4-1.)

1. Compliance with the basic development as shown on the preliminary plat submitted, except as noted below;
2. Compliance with all requirements of the Public Works Department (Engineering and Traffic Engineering, etc.);
3. Dedicate the right-of-way required under the Mesa City Code at the time of recordation of the subdivision plat or at the time of the City's request for dedication, whichever comes first;
4. Compliance with all requirements of the Subdivision Technical Review Committee;
5. Citrus to be retained per applicant proposal, to be included in subdivision CC & R's; and
6. Relocation of main entrance on 24th Street subject to review by Transportation Department.

- \*n. **Z96-63** The southwest corner of Power Road and Broadway. Rezone from C-2 to AG (19± acres). This case involves a proposed cemetery. SCI Arizona Funeral Services, Inc., owner; Lazarus & Associates, applicant.

P&Z Recommendation: Approval with conditions. (Vote 5-0.)

1. Compliance with the basic development as shown on the site plan and elevations submitted, except as noted below;
2. Review and approval by the Planning and Zoning Board and City Council of future development plans;

3. Compliance with all requirements of the Public Works Department (Engineering and Traffic Engineering, etc.);
4. Dedicate the right-of-way required under the Mesa City Code at the time of 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 the landscape proposal as submitted by the applicant; and
7. Compliance with the applicant's letter dated July 12, 1996 and with stipulations in project narrative dated July 18, 1996.

- \*o. **Z96-65** The 2100 and 2200 blocks of East McKellips Road (north side). Rezone from AG to R1-9 (25± acres). This case involves a proposed 62-lot single-residence subdivision. Leland and Louise Coleman, owners; Beazer Homes Holdings, Corp. (Hancock), applicant.

P&Z Recommendation: Approval with conditions. (Vote 3-2.)

1. Compliance with the basic development as shown on the preliminary plat submitted, except as noted below;
2. Compliance with all requirements of the Public Works Department (Engineering and Traffic Engineering, etc.);
3. Dedicate the right-of-way required under the Mesa City Code at the time of recordation of the subdivision plat or at the time of the City's request for dedication, whichever comes first;
4. Compliance with all requirements of the Subdivision Technical Review Committee;
5. Compliance with the Project Narrative submitted, which is included in the zoning case file;
6. The applicant shall preserve a minimum of two (2) citrus trees on each lot with an average of three (3) citrus trees per lot preserved over the entire subdivision;
7. Garden Grove shall provide single-story homes on Lots 29, 31, 43, and 60. In the event that the Kael Street connection is eliminated and a design of the subdivision is necessary, those lots within Garden Grove that are adjacent, or substantially adjacent, to single-story homes existing within Orange Blossom Estates shall be limited to one-story development only;
8. The McKellips Road landscape and buffer include existing, mature citrus trees; and
9. The housing design be consistent with the package submitted to the City of Mesa by Hancock Homes including three (3) separate elevation options for each model, two (2) tile roof options, and six (6) color options. No two (2) home designs or colors shall be allowed on adjacent lots.

- \*p. **Z96-66** The northeast corner of Power Road and Elliot Road. Rezone from R1-43 to C-2 (21± acres). This case involves a proposed medical complex and retail development. The Langley Group, owner/applicant.

P&Z Recommendation: Approval with conditions. (Vote 5-0.)

1. Compliance with the basic development as shown on the site plan and elevations submitted, except as noted below;
  2. Compliance with all requirements of the Public Works Department (Engineering and Traffic Engineering, etc.);
  3. Dedicate the right-of-way required under the Mesa City Code at the time of application for a building permit or at the time of the City's request for dedication, whichever comes first;
  4. Compliance with all requirements of the Design Review Board;
  5. Review and approval of a Special Use Permit by the Board of Adjustment (gas pumps); and
  6. Provide cross-access and easement between Circle K and the retail complex.
- \*q. **A96-1** Annexing the northwest corner of Crismon and Adobe Roads. (40± acres). Initiated by the Mesa School District.
- \*r. Relating to the Mesa Personnel Rules; amending Section 360 pertaining to stand-by or call-out pay and repealing conflicting ordinances.

9. Consider the following ordinances:

- \*a. Relating to the City Council; amending Section 1-6-1, Mesa City Code – Ordinance No. 3216.
- This ordinance will eliminate the Council Service Committee and retitle the Redevelopment Committee to General Development Committee.
- \*b. Relating to the Mesa Personnel Rules; amending Section 210 pertaining to general employment provisions and fingerprinting, and repealing conflicting ordinances - Ordinance No. 3217.

\*9.1. Consider a resolution adopting ASHRAE 62A 1990 and an emergency ordinance relating to smoking and public health; amending Section 6-11-8, Mesa City Code; providing penalties for violations, and declaring an emergency. (EMERGENCY ORDINANCE) – Resolution No. 6934 and Ordinance No. 3218.

This ordinance adds options to a single-pass ventilation system for Class 6 bars seeking a smoking variance.

10. Consider the following resolutions:

- \*a. Authorizing the City Manager to enter into an intergovernmental agreement with the Mesa Public Schools for Mesa Youth Placement Service for Fiscal Year 1996-97 - Resolution No. 6935.
- b. Approving the assessments of East Hermosa Vista Drive just west of Lindsay Road, Assessment District No. 96-85 - Resolution No. 6936.

- \*c. Authorizing the City Manager to execute an agreement on behalf of the City of Mesa with the Maricopa County Department of Transportation for construction and maintenance of Guadalupe Road from Power Road to Hawes Road – Resolution No. 6937.
- \*d. Designating Special Election date and purpose; designating the deadline for voter registration; and designating the deadline for filing arguments for the purpose of voting on Initiative No. I96-1 establishing a Martin Luther King, Jr./Civil Rights Day - Resolution No. 6938.
- \*e. Authorizing the City Manager to enter into an intergovernmental agreement with the Arizona Department of Library, Archives, and Public Records for the purpose of receiving Major Urban Resource Library (Federal LSCA) Funds (Grant #96-I-7-(4)) - Resolution No. 6939.
- \*f. Authorizing the City Manager to execute an intergovernmental agreement with the Maricopa County Community College District concerning the use of a communications tower license - Resolution No. 6940.

\*10.1. Consider a lease between the Maricopa County Community College District and the City of Mesa regarding the Carousel View Condominium.

\*10.2. Consider a purchase agreement and resolution authorizing the City Manager to execute an intergovernmental agreement with the Mesa Unified School District concerning joint acquisition of the Golden's property at 107 South Macdonald - Resolution No. 6941.

10.3. Consider a recommendation from the Transportation Committee concerning the installation of a cul-de-sac in the 2300 block of North Hall Circle.

Vice Mayor Gilbert reported that at the Study Session held prior to this meeting, Council viewed sketches developed by staff of a new alternative involving a 30' radius rather than the 35' radius as recommended by the Transportation Committee.

It was moved by Vice Mayor Gilbert, seconded by Councilmember Kavanaugh, to proceed with a 30' foot radius for the cul-de-sac in the 2300 block of North Hall Circle as outlined by staff.

Carried unanimously.

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

- \*a. **Z96-43** The 5600 through 5900 blocks of East McKellips Road (north side and behind frontage). Rezone from R-4 and C-2 to R-2-PAD (18± acres). This case involves the development of a 130-lot residence subdivision. Hughes Development, owner; Standage and Truitt Engineering, Ltd., applicant - Ordinance No. 3219.

P&Z Recommendation: Approval with conditions. (Vote 7-0.)

1. Compliance with the basic development as shown on the site plan and elevations submitted, except as noted below;
2. Compliance with all requirements of the Public Works Department (Engineering and Traffic Engineering, etc.);
3. Dedicate the right-of-way required under the Mesa City Code at the time of application for a building permit, 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. Future site plan review through the Planning and Zoning Board and City Council of the remaining C-2 property;
6. Provide a landscape tract along the east side of the McKellips Road entry drive and private street; and
7. Notice to be provided to future residents that the project is adjacent to an existing industrial building.

**CONTINUED FROM THE JULY 15, 1996 CITY COUNCIL MEETING.**

12. Consider the following subdivision plats:

- \*a. "MERIDIAN HILLS UNIT II" - The 600 and 700 blocks of North Meridian Drive (west side) 117 R1-7 DMP single residence lots (33.04 acres). U.M. Limited Partnership, developer; Standage & Truitt Engineering, Ltd., engineer.
- \*b. "TIERRA VERDE EAST" - The 4300 block of East Broadway Road (north side) 62 R1-6 PAD single-residence lots (13.85 acres). D.R. Horton, Inc., developer; Infinity Engineering Services, Ltd., engineer.
- \*c. "HARKINS SUPERSTITION SPRINGS" - The 6900 block of East Superstition Springs Boulevard (north side) 3 C-2 DMP commercial lots (17.96 acres). BV Development, L.C. & Harkins Cinemas, L.L.C., developers; R.B. Williams & Assoc., Inc., engineer.
- \*d. "SONORA" - The 2500 block of North Power Road (east side) 64 R1-9 single residence lots (22.5 acres). Lennar Communities Development, developer; Coe & VanLoo, Consultants, Inc., engineer.

13. Items from citizens present (maximum of three speakers for five minutes per speaker).

Bill Brando, 61 South Macdonald, spoke concerning Proposition 200 and what he believes is the unconstitutionality of the measure. Mr. Brando requested that future issues be evaluated to ensure constitutionality prior to placement on the ballot.

14. Adjournment.

It was moved by Councilmember Stapley, seconded by Vice Mayor Gilbert, that the Regular Council Meeting adjourn at 6:48 p.m.

Carried unanimously.

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 5th day of August 1996. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 28th day of August 1996

BARBARA JONES, CITY CLERK