

COUNCIL MINUTES

July 15, 1996

The City Council of the City of Mesa met in a Regular Council Meeting in the Council Chambers, 57 East 1st Street, on July 15, 1996 at 5:30 P.M.

COUNCIL PRESENT

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

COUNCIL ABSENT

None

POLICE OFFICERS PRESENT

Scott Martin
Kenneth Warren

OFFICERS PRESENT

C.K. Luster
Neal Beets
Barbara Jones

The Invocation was given by President R. Wayne Johnson, The Church of Jesus Christ of Latter Day Saints.

The Pledge of Allegiance was led by Jeremy Redd, Troop 281.

1. Approval of minutes of previous meetings as written.

It was moved by Councilmember Stapley, seconded by Councilmember Jensen, that the minutes of June 28, July 1, and July 2, 1996 be approved.

Carried unanimously.

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

a. Hear from Kirby Allan regarding the administrative sector of Mesa government.

Kirby Allan, 2143 East Hackamore, spoke regarding responsibilities of the Mayor and Council. Mr. Allan expressed concern relative to Council's recent denial of a zoning case involving a La Quinta Hotel.

b. Hear from Ken Basham regarding Proposition 200 lawsuit and the voluntary nature of it.

Ken Basham, 111 North Gilbert Road, advised that he has filed a lawsuit requesting that Proposition 200 be declared unconstitutional. Mr. Basham noted detrimental effects of the

measure on various establishments and commented that the proposition does not address the voluntary exposure to secondhand smoke.

- c. Hear from Ray Chavez regarding the Positive Alternatives for Youth (PAY) program.

Ray Chavez, instructor involved in the Positive Alternatives for Youth (PAY) program, noted benefits of the program and introduced several students, who thanked Councilmember Jensen, Police Captain Linn Adams, Special Projects Coordinator Laurie Goggin, and Human Services Coordinator Karen Kurtz for their support of this valuable endeavor.

Mayor Brown expressed appreciation to the speakers for their input.

3. Consider all consent agenda items.

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

It was moved by Councilmember Stapley, seconded by Councilmember Giles, that the consent agenda items be approved.

Carried unanimously.

4. Conduct a public hearing for the following proposed annexation:

- a. **A96-1** The northeast corner of Crismon and Adobe Roads (40± acres). Initiated by Mesa School District.

Mayor Brown announced that this is the time and place for a public hearing regarding Annexation A96-1.

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

5. Consider the following liquor license application:

- *a. IRENE CANELOS, ETAL

Person transfer beer and wine bar license for Community Family Restaurant, 535 North Country Club Drive. This transfer is from James K. Adraktas, Agent, Community Family Restaurant, Inc., to Irene Canelos, Etal, Community Family Restaurant.

6. Consider the following contracts:

- *a. One-year renewal of the annual supply contract for automotive brake parts as requested by Fleet Support Services.

The Purchasing Division recommends exercising the first of two 1-year renewal options with the following vendors:

Primary contract to the original lowest overall bidder, Arizona Brake & Clutch Supply, for annual purchases estimated at \$110,000.00; and

Secondary contract to the original second lowest overall bidder, Hall Brake Supply, for annual purchases estimated at \$12,000.00. Combined annual purchases are estimated at \$122,000.00.

- *b. Class 400 gas meters for warehouse inventory as requested by the Utility Services Division. These gas meters are used for commercial gas accounts. The Purchasing Division recommends accepting the low bid by Schlumberger Industries at \$20,625.00 plus 5% use tax of \$1,031.25 for a total award of \$21,656.25 based on estimated requirements.
- *c. Insulated electrical separable connectors and accessories to be used in the installation of underground power lines as requested by the Electric Department.

The Purchasing Division recommends accepting the low bids meeting specification as follows:

Item 1 to Border States Electric at \$16,560.00 plus 7.05% sales tax of \$1,167.48 for a total of \$17,727.48; and

Items 2-9 to Maydwell & Hartzell at \$62,473.00 plus 7.05% sales tax of \$4,404.34 for a total of \$66,877.34. The combined award is then \$84,604.82.

- *d. One replacement high-volume copier for the Purchasing Division.

The Purchasing Division recommends authorizing purchase from the State of Arizona contract with Business Equipment, Inc. at \$14,312.00 plus 7.05% sales tax of \$1,009.00 for a total of \$15,321.00.

6.1. Introduction of the following ordinances and setting August 5, 1996 as the date for the public hearing on these ordinances.

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

- *a. Relating to the City Council; amending Section 1-6-1, Mesa City Code.
- *b. Relating to the Mesa Personnel Rules; amending Section 210 pertaining to general employment provisions and fingerprinting, and repealing conflicting ordinances.

7. Consider the following ordinances:

- a. Amending Chapter 10 of Title 6 of the Mesa City Code relating to public park regulations -Ordinance No. 3212.

This ordinance extends public park regulations to City-owned retention basins.

Councilmember Kavanaugh stated the opinion that the proposed ordinance is premature and represents excessive regulation.

In response to a request from Councilmember Jensen, Parks, Recreation, and Cultural Director Joe Holmwood advised that the ordinance is an attempt to respond to increasing neighborhood concerns relative to incompatible uses of retention basins. Mr. Holmwood indicated that if approved, enforcement efforts would concentrate on those areas receiving the greatest number of calls and that existing police officers and park rangers would be utilized to respond to complaints.

It was moved by Vice Mayor Gilbert, seconded by Councilmember Stapley, that Ordinance No. 3212 be adopted.

Upon tabulation of votes, it showed:

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

Mayor Brown declared the motion carried by majority vote and Ordinance No. 3212 adopted.

- *b. Relating to smoking and public health; amending Section 6-11-4 of the Mesa City Code; amending Title 6, Chapter 11 by adding Section 6-11-8; and providing penalties for violations - Ordinance No. 3204.

This ordinance postpones the smoking prohibition in Class 6 bars until September 1, 1996.

- *c. Relating to smoking and public health; amending Section 6-11-6 of the Mesa City Code; and providing penalties for violations - Ordinance No. 3205.

This ordinance allows smoking in public housing.

- d. Relating to smoking and public health; amending Title 6, Chapter 11, Mesa City Code by adding Section 6-11-9; and providing penalties for violations.

This ordinance postpones the smoking prohibition in private meeting rooms until September 1, 1996.

Linda Johnson, 1055 North Recker Road, noted detrimental effects of Proposition 200 on her place of employment and expressed the opinion that an option for a variance should not be restricted to businesses with a Class 6 license.

Bill Brando, 61 South Macdonald, invited the Council and citizens to attend a meeting to be held on Wednesday, July 17, 1996, at the VFW (1st Avenue and Macdonald) regarding Proposition 200. Mr. Brando spoke concerning restraint of trade and what he believes are the discriminatory effects of the measure.

David Nielson, 1841 East Hackamore, indicated opposition to the proposed ordinance and the temporary postponement of Proposition 200. Dr. Nielson commented that communities with similar regulations have not experienced adverse effects. Dr. Nielson offered his services in conducting a statistically reliable analysis concerning the impacts of the measure.

Dan Kinnard, 2639 East Broadway Road, representing Simpleton's, advised that he has had to lay off employees as a result of Proposition 200. Mr. Kinnard requested that Council consider an alternative that would allow individuals to remain in business.

Rick Floyd, 315 East Southern Avenue, representing Draft House Cafe, noted declining sales resulting from the implementation Proposition 200 and the likelihood of laying off employees. Mr. Floyd encouraged Council to amend the measure.

Tom DiLorenzo, representing Tommy's Billiards, 526 West Broadway, related losses in revenue since the effective date of Proposition 200. Mr. DiLorenzo expressed concern that he may be unable to remain in business and stated the opinion that an option for a variance should not be restricted to Class 6 establishments.

Ken Weiss, 910 North 95th Place, noted financial difficulties experienced by employees affected by Proposition 200. Mr. Weiss urged Council assistance in developing a resolution to minimize negative effects of the new regulations.

Tom McGilvra, representing McKellips Bay, 1948 East McKellips Road, commented concerning declining sales attributed to Proposition 200.

Lee Fairbanks, 1111 South Stapley, delineated health hazards associated with environmental tobacco smoke (ETS). Dr. Fairbanks stated the opinion that the ordinance before Council undermines Proposition 200.

Nina Jones, 2220 North Hemberg, Flagstaff, representing Flagstaff for Smokefree Public Places, distributed information to Council and provided background information pertaining to a measure implemented in Flagstaff similar to Proposition 200. Ms. Jones noted the concerns of business owners in Mesa but stated that studies reflect that Flagstaff has not experienced long-term adverse effects following implementation of the regulations.

Jessica Russell, 3360 East Florian, outlined detrimental effects of secondhand smoke and emphasized that Mesa voters have approved Proposition 200. Ms. Russell stated that individuals in opposition can circulate and submit a new initiative to change the measure but expressed the opinion that citizens favor the regulations now in effect. Ms. Russell encouraged Council support of Proposition 200.

Mayor Brown thanked the speakers for their comments.

It was moved by Vice Mayor Gilbert, seconded by Councilmember Jensen, that the proposed ordinance be denied.

Vice Mayor Gilbert noted difficulties as well as favorable responses associated with Proposition 200. Vice Mayor Gilbert spoke in opposition to the proposed ordinance, stating the

opinion that it would be inappropriate to establish such an exemption to regulations recently approved by voters.

Councilmember Jensen noted citizen support of Proposition 200 as reflected in the City's recent Primary Election and expressed the opinion that any significant modifications to the measure should be accomplished through the electorate rather than the Council.

Councilmember Kavanaugh spoke concerning revenue losses to the City as a result of Proposition 200 and advised that he recommended introduction of the proposed ordinance in response to a request from the Mesa Convention and Visitors Bureau. Councilmember Kavanaugh stated the opinion that an exemption for private meeting rooms is appropriate as outlined in the proposed ordinance and is consistent with the philosophy of Proposition 200. Councilmember Kavanaugh encouraged Council to consider options regarding a variance for establishments other than those having a Class 6 license.

Mayor Brown recognized difficulties presented by Proposition 200 but commented concerning the importance of the vote of the citizenry. Mayor Brown noted Council's support of a study to evaluate the effects of the measure.

Upon tabulation of votes, it showed:

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

Mayor Brown declared the motion carried by majority vote.

- e. Relating to the City Council; amending Title 1, Chapter 5, Mesa City Code, by repealing Sections 1-5-7 through 1-5-9 and adding new Sections 1-5-7 through 1-5-8 – Ordinance No. 3213.

This ordinance establishes procedures for the preparation of Council meeting agendas and procedures for the conduct of Council meetings.

It was moved by Vice Mayor Gilbert, seconded by Councilmember Stapley, that Ordinance No. 3213 be adopted.

Upon tabulation of votes, it showed:

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

Mayor Brown declared the motion carried by majority vote and Ordinance No. 3213 adopted.

- f. Pertaining to swimming pools and the Zoning Ordinance of the Mesa City Code; amending Title 11, Chapter 13, Section 2; and providing penalties for the violation thereof - Ordinance No. 3214.

This ordinance establishes the requirement for secondary fencing for new swimming pools and for fencing or locking devices when new access is created for existing pools.

Linda Kirby, 621. South Spur Circle, stated that she is employed as an injury prevention specialist with the Phoenix Fire Department. Ms. Kirby noted the importance of supervision and education but expressed the opinion that a requirement for secondary fencing will serve to further reduce the number of water-related incidents.

Former Police Chief Len Kotsur, 1448 East Gary, described a personal water-related incident. Chief Kotsur commented concerning the curious nature of children and stated that while secondary fencing cannot replace supervision, it can be used as an additional preventative measure.

Luule Brando, 61 South Macdonald, expressed the opinion that the proposed requirement for secondary fencing infringes on individual freedoms and should be voluntary rather than compulsory.

Ed Murphy, 2659 East Kael, related concerns that a secondary fencing requirement instills a false sense of security, creates an economic hardship, benefits a particular segment of the business community, and is essentially unenforceable. Mr. Murphy recommended increased educational campaigns and urged Council not to approve the proposed ordinance.

Marianne Weins, 1853 North Barkley, stated the opinion that citizens need less government regulation and that no proof exists that a requirement for secondary fencing and/or locking devices will prevent drownings. Ms. Weins commented that families without young children should not be forced to comply with the proposal.

Debra Krupp, 1318 North Pasadena Street, indicated that she does not support the proposed ordinance and requested that at a minimum Council consider a less intrusive alternative that would exempt homes without young children. Ms. Krupp suggested that efforts be directed toward developing a more comprehensive educational program and providing financial assistance to individuals who wish to install fencing but cannot afford to do so.

Tom McCarter, 1820 South Brighton Circle, stated the opinion that secondary fencing should not be required of families with no young children. Mr. McCarter expressed concern that such fencing may install a false sense of security and commented that Council should not attempt to legislate responsibility.

Doug and Janet Bennett, 538 West Flower, recounted a personal water-related incident. Mr. and Mrs. Bennett noted the importance of secondary fencing as a preventative measure and encouraged Council to approve the proposed ordinance.

Joyce Rudd, 1850 East Hopi, spoke concerning the loss of her son as a result of drowning. Ms. Rudd stated support of measures designed to increase the safety of children.

Collin DeWitt, 1130 North 1st Street, Phoenix, Deputy Chief - Phoenix Fire Department, stated that the implementation of a barrier code in Phoenix has significantly reduced the number of water-related incidents. Chief DeWitt urged Council approval of the proposed ordinance.

Mary Lou St. Cyr, 724 South Kachina Lane, a teacher with Mesa Public Schools, expressed the opinion that secondary fencing will serve to increase water safety. Ms. St. Cyr related drowning/near-drowning incidents and the resulting impacts on families and the community.

Gary Logue, 2052 East 7th Avenue, recounted a personal water-related incident. Mr. Logue spoke in favor of secondary fencing as a preventative measure.

Robert Bradley, 121 West Granada Road, Phoenix, Central Arizona Chapter of the National Spa and Pool Institute, advised that the Institute has developed a model barrier code. Mr. Bradley distributed a pamphlet to Council outlining safety options available as back-up to adult supervision.

Regina Wainwright, 6213 East Gary Street, stated that she is not opposed to pool fencing but favors an exemption for families with no young children.

Tax and Licensing Administrator Larry Lines, 115 North Fraser Drive West, spoke concerning the loss of a child as a result of drowning. Mr. Lines spoke in support of the proposed ordinance.

Tim Flood, representing the Arizona Department of Health Services, commented that pools are attractive to children and interior fencing can be effective in reducing drowning/near-drowning events. Dr. Flood provided statistics reflecting a reduction in the number of water-related incidents in surrounding communities as a result of barrier codes.

Lynn Stremmel, 850 East 9th Place, noted the importance of education and protective measures but expressed the opinion that secondary fencing should not be required for homes without young children.

Mayor Brown thanked the speakers for their input.

Councilmember Kavanaugh said that the requirement of secondary fencing offers additional protection to children. Councilmember Kavanaugh encouraged Council support of the proposal.

It was moved by Vice Mayor Gilbert, seconded by Councilmember Kavanaugh, that Ordinance No. 3214 be adopted.

Vice Mayor Gilbert noted responsibilities of society relative to safety/security. Vice Mayor Gilbert spoke in favor of the ordinance.

Councilmember Payne spoke concerning what she believes are drawbacks to the proposal in terms of effectiveness and enforceability. Councilmember Payne reviewed portions of the ordinance, discussed concerns with statistics relative to drowning/near-drowning incidents, and commented regarding the importance of personal property rights and personal responsibility. Councilmember Payne said that she would vote against the motion.

Councilmember Giles expressed the opinion that the proposed ordinance will assist in reducing water-related incidents. Councilmember Giles urged Council to support the measure.

Councilmember Jensen stated that secondary fencing has statistically been proven effective. Councilmember Jensen spoke in favor of the ordinance.

Mayor Brown commented that he favors an exemption for families without young children and therefore will not support the motion.

Councilmember Stapley stated the opinion that an exclusion should be provided for families with no children under age 7. Councilmember Stapley said that he will vote against the motion.

Upon tabulation of votes, it showed:

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

Mayor Brown declared the motion carried by majority vote and Ordinance No. 3214 adopted.

(At 8:15 p.m., Mayor Brown called for a short recess. The meeting reconvened at 8:23 p.m.)

8. Consider the following resolutions:

- *a. Authorizing the City Manager to execute an intergovernmental agreement with Maricopa County for reimbursement of costs for special transportation services provided - Resolution No. 6932.
- *b. Agreeing to an FY1996-97 intergovernmental agreement with Mesa Independent School District #4 and authorizing the City Manager to enter into such an agreement - Resolution No. 6933.

*8.1. Consider approval of the FY1996-97 contract with the Greater Phoenix Economic Council in the amount of \$159,443.00 to undertake regional economic development promotional activities on behalf of the City of Mesa.

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

- *a. **Z96-24** The 7500 and 7600 blocks of East Eagle Crest Drive. Rezone from R1-90-DMP to R-2-PAD-DMP (30± acres). This case involves a 180-unit townhome subdivision. Gary Walker, owner; P/D Architects, applicant. **(THE APPLICANT HAS REQUESTED THAT THIS CASE BE WITHDRAWN.)**

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

1. Compliance with the basic development as shown on the preliminary plat and elevations submitted, except as noted below;
2. Compliance with all City development codes and regulations;
3. Compliance with all requirements of the Public Works Department (Engineering and Traffic Engineering, etc.);
4. Dedicate the right-of-way required under the Mesa City Code at the time of recordation of the subdivision plat or at the time of the City's request for dedication, whichever comes first;
5. Compliance with all requirements of the Subdivision Technical Review Committee; and

6. Compliance with all requirements of the Design Review Board.

(CONTINUED FROM THE MAY 20, 1996 CITY COUNCIL MEETING).

- b. **Z96-34** 1608 North Greenfield Road. Rezone from R1-35 to M-1(2± acres). This case involves the expansion of an existing landscape materials operation. David D. Martin, owner; Martin Ray Young, Jr., applicant.

P&Z Recommendation: Denial. (Vote 7-0.) LEGAL PROTEST. A 3/4 VOTE IS REQUIRED TO APPROVE THE APPLICANT'S REQUEST.

David Martin, 1608 North Greenfield, owner, provided background information concerning the request for rezoning. Mr. Martin reviewed surrounding property uses and stated the opinion that the proposed expansion is appropriate for the site. Mr. Martin indicated that the project will not significantly contribute to the levels of noise and dust currently generated by traffic along Greenfield Road and the RWCD Canal.

Gary Nichols, owner of a business located at 4815 East Main Street, commented that considerable improvements have been made to the current operation. Mr. Nichols spoke in favor of the rezoning.

Skip Nelson, 4222 East McLellan, President of the Park Avenue Subdivision Homeowners' Association, stated opposition to the proposed expansion. Mr. Nelson expressed concern pertaining to increased levels of noise and dust on a daily basis, commenting that the establishment presently operates as a gravel yard/trucking company rather than landscaping materials business. Mr. Nelson noted the unanimous Planning and Zoning Board recommendation for denial.

Doug Fielding, 4222 East McLellan, #6, said that the noise and dust generated by the operation currently have a severe impact on surrounding properties. Mr. Fielding stated the opinion that the site is not an appropriate location for the business. Mr. Fielding encouraged Council to deny the request for rezoning.

Mayor Brown expressed appreciation to the speakers for their comments.

In response to a question from Councilmember Jensen, Mr. Martin outlined steps taken to address the concerns of neighbors. Mr. Martin advised that he has had discussions with individuals who originally signed a petition in opposition to the project but have subsequently indicated support for the expansion of the business.

It was moved by Councilmember Stapley, seconded by Vice Mayor Gilbert, that the zoning request be denied.

Carried unanimously.

- c. **Z96-40** The 500 block of South Robson, west side. Rezone from R-2 to M-1(1± acre). This case involves development of two industrial warehouse buildings. Jack Hannah and Udell Nelson, owners; Jack Hannah, applicant - Ordinance No. 3215.

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 or at the time of the City's request for dedication, whichever comes first; and
4. Full compliance with all current Code requirements, unless modified through appropriate review and approval of the variance(s) outlined in the staff report.

LEGAL PROTEST. A 3/4 VOTE IS REQUIRED TO APPROVE THE APPLICANT'S REQUEST.

It was moved by Vice Mayor Gilbert, seconded by Councilmember Stapley, that Ordinance No. 3215 be approved.

Carried unanimously.

- *d. **Z96-41** The northeast corner of Broadway and Westwood. Rezone from C-2 to M-1 and Site Plan Review (1± acre). This case involves the development of a storage lot for vehicles. Tony Shumway, owner; Big Two Oldsmobile Corporation, applicant – Ordinance No. 3206.

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 the City's request for dedication;
4. Full compliance with all current Code requirements, unless modified through appropriate review and approval of the variance(s) outlined in the staff report; and
5. At -the future width line, provide a 10-foot- (10'-) wide landscape strip south of the block wall along the Broadway Road street frontage.

- *e. **Z96-42** 2625 North Recker Road. Rezone from R1-6-PAD to R-2 (1.39 acres). This case involves the conversion of single residences to an assisted living facility. Ralph E. Fernandez, owner; Mike Ren, applicant - Ordinance No. 3207.

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; and
2. Review and approval of a Special Use Permit as required by Code.

- *f. **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 condominium subdivision. Hughes Development, owner; Standage and Truitt Engineering, Ltd., applicant. **(THE NEIGHBORS HAVE REQUESTED THIS CASE BE CONTINUED TO THE AUGUST 5, 1996 CITY COUNCIL MEETING.)**

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.

- *g. **Z96-44** The 1400 through 1600 blocks of North 72nd Street (east side). Rezone from R1-35 to R1-15 (6± acres). This case involves the development of an 11-lot subdivision. Charles Crismon, owner; ALC Builders, Inc., applicant - Ordinance No. 3208.

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

1. Compliance with the basic development as shown on the preliminary plat submitted, except as noted below;
2. Compliance with all City development codes and regulations;
3. Compliance with all requirements of the Public Works Department (Engineering and Traffic Engineering, etc.);
4. Dedicate the right-of-way required under the Mesa City Code at the time of recordation of the subdivision plat or at the time of the City's request for dedication, whichever comes first; and
5. Compliance with all requirements of the Subdivision Technical Review Committee.

- *h. **Z96-45** 676 North Country Club Drive. Rezone from C-2 and R-2 to R-4 (1.31 acres). This case involves the development of 24 apartments. Unicor, owner; Design, Ltd., applicant-Ordinance No. 3209.

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 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. Full compliance with all current Code requirements, unless modified through appropriate review and approval of the variance(s) outlined in the staff report.

- *i. **Z96-47** The 400 block of North Power Road (west side). Site Plan Review (.61 acre). This case involves the development of a commercial pad building. Gabel Investments, Inc., owner; Context Design, Inc., applicant. **(THE APPLICANT IS REQUESTING THAT THIS BE TABLED.)**

P&Z Recommendation: Approval with conditions. (Vote 5-2.)

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. Recordation of cross-access and reciprocal parking easements;
6. Compliance with all requirements of the Design Review Board; and
7. Full compliance with all current Code requirements, unless modified through appropriate review and approval of the variance(s) outlined in the staff report.

- *j. **Z96-49** The southeast corner of Sossaman Road and Guadalupe Road. Rezone from R1-43 to R1-6-PAD and C-2 (70± acres). This case involves a residential community consisting of 233 single-residence lots and an 8± acre commercial tract. Commerce Realty Advisors Ltd. owner; Stephen Eastham, applicant - Ordinance 3210.

P&Z Recommendation: Approval with conditions. (Vote 5-2.)

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 development plans for the commercial tract;
3. Compliance with all requirements of the Public Works Department (Engineering and Traffic Engineering, etc.);
4. Dedicate the right-of-way required under the Mesa City Code at the time of recordation of the subdivision plat or at the time of the City's request for dedication, whichever comes first;
5. Compliance with all requirements of the Subdivision Technical Review Committee;
6. Compliance with the Project Narrative submitted; and
7. Pedestrian linkage provided at the south end of the project to be approved by staff.

- *k. **Z96-50** he northeast corner of McKellips Road and Home Street. Rezone from R1-43 (Conceptual C-2) to C-1(1± acre). This case involves a proposed convenience store with gas pumps. Diamond Shamrock, owner; Architekton, applicant - Ordinance No. 3211.

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 or at the time of the City's request for dedication, whichever comes first; and
4. Review and approval of a Special Use Permit by the Board of Adjustment for (gas pumps).

10. Consider the following subdivision plats:

- *a. "MERIDIAN HILLS UNIT I" - The 11400 block of East University Drive (north side); 173 R1-6 PAD DMP single-residence lots (35.9 acres). U.M. Limited Partnership, developer; Standage & Truitt Engineering, LTD., engineer.
- *b. "HEARTHSTONE VILLAS AT SUPERSTITION SPRINGS" - The 300 block of South 70th Street (west side); 59 R-2 PAD townhome lots (7.02 acre). True North L.L.C. developer; Morrison-Maierle/ CSSA Inc., engineer.
- *c. "SUPERSTITION POINT MESA" - The 400 and 500 blocks of South 86th Street (west side); 104 R1-6 PAD single-residence lots (17.07 acres). Providence Development, Inc., developer; American Engineering Co., engineer.

11. Items from citizens present (maximum of three speakers for five minutes bier speaker).

There were no items from citizens present at this time.

12. Adjournment.

It was moved by Councilmember Stapley, seconded by Councilmember Jensen, that the Regular Council Meeting adjourn at 8:40 p.m.

Carried unanimously.

WAYNE BROWN, MAYOR

ATTEST:

BARBARA JONES, CITY CLERK

Regular Council Meeting
July 15, 1996
Page 15

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 15th day of July 1996. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 7th day of August 1996

BARBARA JONES, CITY CLERK