

COUNCIL MINUTES

December 21, 1998

The City Council of the City of Mesa met in a Regular Council Meeting in the upper level meeting room of the Council Chambers, 57 East 1st Street, on December 21, 1998 at 5:47 p.m.

COUNCIL PRESENT

Mayor Wayne Brown
Jim Davidson
John Giles
Keno Hawker
Bill Jaffa
Dennis Kavanaugh
Pat Pomeroy

COUNCIL ABSENT

None

POLICE OFFICER
PRESENT

Marc Therre

OFFICERS PRESENT

C.K. Luster
Neal Beets
Barbara Jones

Invocation by Rabbi Bonnie Koppell, Temple Beth Sholom.

Pledge of Allegiance led Meghan Marshall and Crystal Trapp of Girl Scout Troop 290.

1. Approval of minutes of previous meetings as written.

It was moved by Vice Mayor Giles, seconded by Councilmember Pomeroy, that the minutes of December 7, 1998 be approved.

Carried unanimously.

2. Consider all consent agenda items.

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

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

Carried unanimously.

3. Consider the following liquor license applications.

*a. CLAY ALAN MOSER, AGENT

New Restaurant License for Moser's Family Pizza, 1038 E. Main Street. The Beer and Wine Bar License previously held at this location by Leroy J. Moser, Agent, Moser Food, Inc., will remain with the owner.

4. Consider the following contracts.

- *a. 500 stacking chairs for the Red Mountain Multigenerational Center as requested by the Parks, Recreational and Cultural Division.

The Purchasing Division recommends accepting the low bid by Transact Commercial Furnishings, Inc. at \$45,610.60 plus 6.8% sales tax of \$3,101.52 for a total of \$48,712.12.

- *b. Two-year supply contract for square sign posts and anchor assemblies for the Materials & Supply Division warehouse inventory as requested by the Transportation Division.

The Purchasing Division recommends accepting the low bid by Western Highway Products, Inc. at \$116,955.00 plus 5% use tax at \$5,847.75 for a total of \$122,802.75 based on estimated annual requirements.

- *c. Two-year supply contract for optically controlled traffic control equipment as requested by the Transportation Division.

The Purchasing Division recommends accepting the low bid by Henberger Traffic Center at \$128,445.00 plus 5% use tax of \$6,422.25 for a total of \$134,867.25, based on estimated annual purchases.

- *d. Replacement copier for Police Department. This unit will be used in the Traffic Division at the Central Substation.

The Purchasing Division recommends authorizing purchase from the State of Arizona contract with Ikon Office Solutions at \$14,925.00 plus 7.2% sales tax of \$1,074.60 for a total of \$15,999.60.

- *e. One replacement slurry seal paving truck as requested by the Street Maintenance Division.

The Purchasing Division recommends accepting the bid by Rayner Equipment Systems, Inc. at \$219,568.50.00 including all recommended options, warranties and use tax.

- *f. 4 administrative sedans for the Fire Department. 1 vehicle is a replacement; 3 are additions to the fleet.

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

One dedicated CNG-powered sedan from Lou Grubb Ford at \$26,270.33 including applicable sales tax; and three gasoline-powered sedans from Healy Auto Center at \$54,862.58 including applicable sales tax.

The combined award is then \$81,132.91.

- *g. Decontamination Rooms at Fire Stations No. 1, 4, 7, 8, 11, and 13. City of Mesa Project No. 98-22.

This project consists of constructing decontamination rooms at six City fire stations. Recommend award to low bidder, The Lejas Corporation, in the amount of \$204,829.00.

5. Consider the following resolutions.

- *a. Vacating excess right-of-way on North Brimhall Street, north of Lehi Road – Resolution No. 7295.

This portion of right-of-way will not be needed for the S.I.D. project.
- *b. Extinguishing an easement for highway purposes in the 1900 block of South 112th Street – Resolution No. 7296.

Area has been subdivided and this easement is no longer necessary.
- *c. Adopting specifications and a statement of cost and expenses for the construction of street improvements for Special Improvement District No. 239 – Resolution No. 7297.

This District will install street improvements along North Brimhall Street from East Lehi Road to East Nance Street.
- *d. Adopting plans and an assessment plat for the construction of street improvements for Special Improvement District No. 239 – Resolution No. 7298.

This District will install street Improvements along North Brimhall Street from East Lehi Road to East Nance Street.
- *e. Declaring the City’s intention to construct street improvements along North Brimhall Street for East Lehi Road to East Nance Street; and providing that the proposed work or improvements shall be performed through Special Improvement District No. 239 – Resolution No. 7299.
- *f. Approving use of the Scalloped Street Assessment laws to complete the street improvements along South Norfolk Street from East Southern Avenue to the south approximately 920.00 feet plus or minus – Resolution No. 7300.
- g. Extending Mesa Town Center Improvement District No. 228 for an additional three years – Resolution No. 7301.

Mayor Brown and Councilmembers Hawker, Pomeroy and Jaffa indicated that they had a potential conflict of interest in connection with the matter now under discussion which they wanted recorded in the minutes of the meeting.

(City Attorney Neal Beets has rendered the opinion that although four Councilmembers, representing a majority of the Council, had a potential conflict of interest in reference to this issue, pursuant to State law and the Mesa City Charter, all Councilmembers were requested to participate in order to take action on the matter.)

It was moved by Councilmember Kavanaugh, seconded by Councilmember Davidson, that Resolution No. 7301 be adopted.

Luule Brandofino, 61 South Macdonald, stated the opinion that the special assessments paid by the owners of properties located in the downtown area are unjust. Ms. Brandofino added the opinion that property owners do not receive value for their dollars and that the Town Center Corporation provides limited benefits to businesses in Town Center.

Bill Brando, 61 South Macdonald, expressed the opinion that the public hearing that was held on Special Improvement District 228 was unlawful. Mr. Brando added that he has reported the matter to both the Attorney General and County Attorney's Offices. Mr. Brando urged the Council to eliminate SID 228.

Paul Brando, 61 South Macdonald, questioned whether monies collected from property owners in the Town Center area as a result of SID 228 are being diverted and used for illegal purposes in Utah. Mr. Brando spoke in opposition to the continuation of SID 228.

Joe "Brick" Guinn, 119 West Main Street, stated that over the past 14 years, \$7 million has been collected from the property owners in response to SID 228. Mr. Guinn expressed the opinion that no benefits have been received as a result of the monies collected and spoke in support of eliminating SID 228.

Mayor Brown thanked the speakers for their comments and stated that a majority of the property owners in the Town Center area have voted to retain SID 228. Mayor Brown added that comments received from the majority of property owners indicated satisfaction with the services received and benefits provided by the Town Center Corporation. Mayor Brown also spoke in support of adhering to the legal opinions expressed by City Attorney Neal Beets regarding Council action on this item.

Councilmember Kavanaugh clarified that the proposed resolution stipulates that a review of SID will occur every three years beginning 1998. Councilmember Kavanaugh spoke in strong support of this issue and concurred with Mr. Beet's opinion relative to the Councils' vote on SID 228.

Councilmember Hawker stated that although in the past he has voted in opposition to the continuance, of the district, his main objection was the method of voting that was utilized to determine whether property owners in the Town Center area were in support of or opposition to the continuation of the special improvement district. Councilmember Hawker explained that the recent voting/property owner polling process was revised and vastly improved and allowed both those in support of and opposition to the continuance to provide input on this matter. Councilmember Hawker added that although he would prefer to eliminate the need for notarized responses from the property owners, City Attorney Neal Beets has advised that the notarization is required in accordance with State law. Councilmember Hawker spoke in support of continuing the current voting/property owner polling process and said that he would vote in favor of continuing SID 228 for an additional three-year period of time.

Carried unanimously.

5.1. Deleted.

6. Consider the following ordinances.

- a. Pertaining to firearms; repealing Ordinance No. 2929, prescribing a disposal policy for firearms which are seized by the Mesa Police Department – Ordinance No. 3582.

It was moved by Councilmember Kavanaugh, seconded by Councilmember Davidson, that Ordinance No. 3582 be adopted.

Councilmember Jaffa stated when the Council originally voted on this issue, he supported using the proceeds from the sale of weapons for educational purposes. Councilmember Jaffa added that he also indicated that if the funds were not earmarked to be used for educational purposes, he would support the repeal of the ordinance and will therefore vote in support of Ordinance No. 3582 at this time.

Upon tabulation of votes, it showed:

AYES - Brown, Davidson, Jaffa, Kavanaugh, Pomeroy
NAYS - Giles, Hawker
ABSENT - None

Mayor Brown declared the motion carried by majority vote and Ordinance No. 3582 adopted.

*b. Prohibiting left turns onto Ninth Place from the driveway on the north side of 9th Place between Country Club Drive and a point 108 feet east of Country Club Drive, as recommended by the Traffic Safety Committee – Ordinance No. 3573.

*c. Amending Section 11-6-3 of the Mesa City Code regarding uses subject to a Council Use Permit in the C-1, C-2, and C-3 districts – Ordinance No. 3574.

This amendment would allow multiple residences in commercial districts subject to approval to a Council Use Permit which would include submittal of a detailed site plan and project description.

d. Relating to the Mesa Personnel Rules; amending Section 150 pertaining to personnel records; amending Section 260 pertaining to employment of relatives; amending Section 320 pertaining to salary plan; amending Section 432 pertaining to sick leave amending Section 433 pertaining to bereavement leave; amending Section 510 pertaining to standards of conduct; amending Section 540 pertaining to probation; amending Section 810 pertaining to types of disciplinary actions; and repealing conflicting ordinances as recommended by the Merit System Board – Ordinance No. 3583.

It was moved by Councilmember Pomeroy, seconded by Vice Mayor Giles, that Ordinance No. 3583 be adopted.

Councilmember Hawker expressed concerns relative to the fact that the proposed ordinance would allow City employees to convert sick leave to vacation leave on a one-for-one basis. Councilmember Hawker stated the opinion that this proposal would provide an excessive amount of vacation time to employees and said that he would not support the proposal.

Personnel Director John Smoyer clarified that employees would not be allowed to convert sick time to vacation time until the maximum amount of sick leave time has been accrued, which would take approximately eleven years to accomplish.

Upon tabulation of votes, it showed:

AYES - Brown, Davidson, Giles, Jaffa, Kavanaugh, Pomeroy
NAYS - Hawker
ABSENT - None

Mayor Brown declared the motion carried by majority vote and Ordinance No. 3583 adopted.

6.1. Consider a Memorandum of Understanding with Maricopa County which provides for the construction of a County Justice Court Complex on Redevelopment Site #7 at the northwest corner of 1st Avenue and Pomeroy.

It was moved by Councilmember Kavanaugh, seconded by Councilmember Pomeroy, that the City of Mesa execute a Memorandum of Understanding with Maricopa County providing for the construction of a County Justice Court complex on Redevelopment Site #7.

In response to a question from Councilmember Hawker, Redevelopment Director Greg Marek stated the opinion that the timing of the proposed project would coincide with other major redevelopment projects in the Town Center area. Mr. Marek added that should the City determine that the proposed site is not an acceptable location for the complex, the City retains the option not to proceed with the project. Mr. Marek added that a formal agreement will have to be developed prior to any final arrangements.

Mr. Marek referred to overheads displayed in the Council Chambers and provided a brief overview of costs associated with the project.

Carried unanimously.

6.2. Consider the acquisition of a 133-acre parcel of land at the northwest corner of Thomas and Recker Roads.

Charlie Deaton, President and Chief Executive Officer of the Mesa Chamber of Commerce, advised that the Chamber strongly supports the proposed acquisition of this parcel of land. Mr. Deaton stressed the importance of protecting industries which have chosen to operate with the City of Mesa and said that this action will send a message that the City of Mesa protects employment bases within its boundaries.

Carol Owens, P.O. Box 1017, Apache Junction, spoke in support of preserving the desert uplands areas of the City.

Councilmember Kavanaugh commended staff on their efforts to acquire this site.

It was moved by Councilmember Kavanaugh, seconded by Councilmember Pomeroy, that acquisition of the 133-acre parcel of land at the northwest corner of Thomas and Recker Roads be approved.

Carried unanimously.

6.3. Consider the following recommendation from the General Development Committee.

- *a. Recommend that the Arts and Entertainment Center Architectural Selection and Design Committee be directed to proceed with providing a recommendation to Council concerning the selection of an architectural team for the Arts and Entertainment Center.

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

- a. **Z98-47** 6459 East Southern Avenue. Site Plan Review (1.46 acres). This case involves the development of a Berge Auto Care center and car wash. Craig M. Berge, owner; Barry R. Barcus, applicant. **A ¾ VOTE IS REQUIRED TO APPROVE THIS REQUEST** – Ordinance No. 3584.

P&Z Recommendations: Approval with Conditions. (Vote: Passed 7-0.)

1. Compliance with the basic development as described in the project narrative and as shown on the site plan, 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. Compliance with all requirements of the Design Review Board; and
5. Review and approval of a Special Use Permit by the Board of Adjustment for a car wash.

Sean Lake, 10 West Main Street, an attorney representing the applicant, informed the Council that extensive effort has been expended to work with the neighbors regarding this project. Mr. Lake pointed out that the property is currently zoned C-2 and that the Planning and Zoning Board has unanimously recommended approval of the case.

It was moved by Vice Mayor Giles, seconded by Councilmember Kavanaugh, that Ordinance No. 3584 be adopted.

Carried unanimously.

- *b **Z98-77** The southeast corner of Baseline Road and Roslyn. Site Plan Review (3.72 ac.). This case involves the development of four pad buildings. PriceSmart, Inc. owner; Dexter Ives, applicant. – Ordinance No. 3575.

P&Z Recommendations: Approval with Conditions. (Vote: Passed 6-1, Parker nay)

1. Compliance with the basic development as shown on the site plan, and elevations submitted, except as noted below;
2. Redesign Building 4 site layout to be reviewed by the Design Review Board;
3. Compliance with all City development codes and regulations;
4. Compliance with all requirements of the Public Works Department (Engineering and Traffic Engineering, etc.);
5. Dedicate the right-of-way required under the Mesa City Code at the time of application for a building permit, at the time of recordation of the subdivision plat, or at the time of the City's request for dedication whichever comes first;
6. All street improvements and perimeter landscaping to be installed in the first phase of construction;
7. Compliance with all requirements of the Subdivision Technical Review Committee;
8. Recordation of cross-access and reciprocal parking easements;
9. Compliance with all requirements of the Design Review Board; and
10. All pad buildings to be architecturally compatible.

- c. **Z98-84** South and east of the southeast corner of Lindsay and McKellips Roads. Rezone from C-1 and R1-43 to R1-9-PAD (12± ac.). This case involves the development of a 40 lot single residence subdivision. Edward Probyn James & Associates, Inc., owner/applicant. **CONTINUED FROM THE NOVEMBER 16, 1998 CITY COUNCIL MEETING.**

P&Z Recommendations: Approval with Conditions. (Vote: 6-1-1; Parker nay, Zaharis abstained.)

1. Compliance with the basic development as shown on the revised 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. All street improvements and perimeter landscaping to be installed in the first phase of construction;
5. Compliance with all requirements of the Subdivision Technical Review Committee, including submission of subdivision CC & R's and the formation of a Homeowners Association for maintenance of common areas and amenities;
6. Compliance with the letter from Edward Probyn James dated October 12, 1998, except for portion of letter referencing two story homes in the adjacent subdivision;
7. Owner granting an Avigation Easement and Release to the City, pertaining to Falcon Field Airport which will be prepared and recorded by the City (concurrently with the recordation of the final subdivision map, prior to the issuance of a building permit);
8. Notice be provided to future residents that the project is within two miles of Falcon Field Airport and including a statement that additional information pertaining to aircraft operations and airport development may be obtained by contacting the Falcon Field Airport administration office;
9. Noise attenuation measures be incorporated into the design and construction of the homes to achieve a noise level reduction of 25 decibels;
10. Compliance with the Residential Development Guidelines including staff review of elevations;
11. Lots 25 through 30 shall be a minimum of 20,000 sq. ft. and limited to one story in height; and
12. The fence on the south perimeter to remain at approximately current grade level.

Mr. Ed James, the applicant, addressed the Council relative to this agenda item and advised that this item was continued for thirty days to provide the applicant with an additional opportunity to meet with the neighbors in

an effort to resolve concerns. Mr. James stated that although extensive effort was expended, he and the neighbors were unable to reach an acceptable compromise. Mr. James briefly outlined revisions he has made to the proposal based on input and concerns expressed by the neighbors and stated that in order for the project

to remain viable, the current number of proposed lots, 34, must remain unchanged. Mr. James stated the opinion that the project is compatible with the surrounding area and urged the council to support his request.

Wayne Baker, 2855 East Jasmine Street, spoke in opposition to the approval of this case and stated the opinion that the lot sizes are inadequate and will negatively impact property values in the surrounding area. Mr. Baker urged the Council to support the neighbors and require the applicant to decrease the density level of the project.

Jack Livingston, 2942 East Jasmine, concurred with the previous speaker's remarks and stated that although the current proposal meets a majority of the residents' concerns, the size of the lots remains a critical issue. Mr. Livingston commented on the viability of the project and the importance of protecting the neighbors' property values.

David Palmer, 936 North Heritage, speaking as a Trustee of a profit sharing plan on behalf of 340 employees who have a financial interest in the property, spoke in support of this case. Mr. Palmer noted that the builder is proposing to develop 34 lots and the neighbors are insisting on 30 and stated the opinion that this minor difference does not warrant the defeat of this worthwhile project. Mr. Palmer urged the Council to approve the applicant's request.

Marvin Turley, 2046 North Ashbrook, also spoke in favor of the project and commented that the parcel of land under discussion is currently an eyesore and detracts from the surrounding area. Mr. Turley requested that the Council approve the proposed ordinance.

Vice Mayor Giles stated that this parcel of land is problematic and said that although he previously voted in opposition to the case, he supports the recent plan revisions and the current proposal.

It was moved by Vice Mayor Giles, seconded by Councilmember Pomeroy, that staff be directed to prepare an ordinance for introduction at the January 5, 1999 Regular Council Meeting for Council action at the January 19, 1999 Regular Council Meeting.

Councilmember Jaffa posed several questions to the applicant and stated the opinion that the proposed stipulations and the CC&R's guarantee that quality, appropriately priced homes will be build on that site. Councilmember Jaffa said that he supports the project.

Carried unanimously.

*d. **Z98-97** The Southeast corner of Brown Road and Val Vista Drive. Rezone from AG to R1-15 (60± acres). This case involves a conventional subdivision. Robert King, owner/applicant. **A ¾ VOTE IS REQUIRED TO APPROVE THIS REQUEST. CONTINUED FROM THE NOVEMBER 16, 1998 CITY COUNCIL MEETING. REVISED ORDINANCE INTRODUCED DECEMBER 7th**
– Ordinance No. 3576.

P&Z Recommendations: Approval with Conditions. (Vote: 6-1; Parker nay.)

1. Compliance with the basic development with 74 lots as described in the project narrative and as shown on the site plan and preliminary plat submitted, except as noted below:
2. Compliance with the Residential Development Guidelines;
3. Compliance with all City development codes and regulations;
4. Compliance with all requirements of the Public Works Department (Engineering and Traffic Engineering, etc.);
5. Dedicate the right-of-way required under the Mesa City Code at the time of application for a building permit, 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. Owner granting an Avigation Easement and Release to the City, pertaining to Falcon Field Airport which will be prepared and recorded by the City (concurrently with the recordation of the final subdivision map, prior to the issuance of a building permit);
8. Written notice be provided to future residents, and acknowledgement received that the project is within two miles of Falcon Field Airport;
9. Noise attenuation measures be incorporated into the design and construction of the homes to achieve a noise level;
10. Retain at least one row of citrus along the back yard of lots, as described in the project narrative and retain at least 5 citrus on each lot as noted on the preliminary plat; reduction of 25 db;
11. Provide at least two rows of citrus outside the subdivision perimeter wall;
12. Provide deceleration lanes at both entrances;
13. Applicant to submit subdivision CC & R's including formation of Homeowner's Association for maintenance of retention area and citrus tracts; and
14. Redesign retention area to be more useable open space for the community including amenities subject to staff review.

- *e. **Z98-103** The 3600 through 3800 blocks of South Power Road (east approx. 1900 ft). Establish R1-43 and R1-43AF (154 ± acres). The establishment of City zoning on recently annexed land. Various owners; City of Mesa, applicant – Ordinance No. 3577.

P&Z Recommendations: Approval with Conditions. (Vote: Passed 7-0.)

1. Review and approval by the Planning and Zoning Board and City Council for future development plans; and
2. Owner granting an Aviation Easement and Release to the City, pertaining to Williams Gateway Airport which will be prepared and recorded by the City (concurrently with the recordation of the final subdivision map, prior to the issuance of a building permit).

- *f. **Z98-104** Certain properties between Broadway Road and Southern Avenue, and 106th Street to Meridian. Establish R1-43, R1-15, R1-7, R1-6-PAD, R-2-PAD, R-4 and O-S (345± acres). This case involves the establishment of City zoning on recently annexed land. Various owners; City of Mesa, applicant. **CONTINUED TO THE JANUARY 19, 1999 REGULAR COUNCIL MEETING.**

P&Z Recommendations: Approval with Conditions. (Vote: Passed 6-0-1, Brock abstained.)

1. Compliance with stipulations established by the County Board of Supervisors;
2. Compliance with the Residential Development Guidelines where applicable;
3. Compliance with all City development codes and regulations;
4. Review and approval by the Planning and Zoning Board and City Council of future development plans;
5. Compliance with all requirements of the Public Works Department (Engineering and Traffic Engineering etc.);
6. Minimum lot size shall be 8,000 sq. ft. within the R1-7 zoning districts; and
7. Review and approval of a Special Use Permit by the Board of Adjustment or Zoning Administrator for any modification to the communication tower as described in Maricopa County Zoning Case Z86-108A.

- *g. **Z98-106** The 1900 block of South Power Road (west side). Site Plan Review (1.79 acres). This case involves the development of two commercial retail buildings. Superstition Springs Investors L.P., owner, represented by Mark Ward, DMB; Lyle S. Richardson, applicant – Ordinance No. 3578.

P&Z Recommendations: Approval with Conditions. (Vote: Passed 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 City development codes and regulations;
3. Compliance with all requirements of the Public Works Department (Engineering and Traffic Engineering, etc.);
4. Dedicate the right-of-way required under the Mesa City Code at the time of application for a building permit, or at the time of the City's request for dedication whichever comes first;
5. Recordation of cross-access and reciprocal parking easements; and
6. Compliance with all requirements of the Design Review Board.

- *h. **Z98-107** The southwest corner of Broadway and Sossaman Roads. Rezone from R1-6 and C-1 to C-2 (2.43 acres). This case involves the development of a Walgreen's store. Olga Scott, Theresa Saba, Richard and Cheryl Zillman, owners; Evergreen Devco, Inc., applicant – Ordinance No. 3579.

P&Z Recommendations: Approval with Conditions. (Vote: Passed 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 outlined in the staff report.

- *i. **Z98-108** 922 North Gilbert Road. Rezone from R1-9 to O-S (1± acre). This case involves the conversion of existing residential structures to offices. Frederick Crandall, owner/applicant – Ordinance No. 3580.

P&Z Recommendations: Approval with Conditions. (Vote: Passed 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 outlined in the staff report.

- *j. **Z98-110** The southeast corner of McKellips Road and Mesa Drive. Rezone from R-4 to C-2 (1.2+acres). This case involves the development of a gas station facility. Sami Saleme, owner; Thomas P. Pano, applicant – Ordinance No. 3581.

P&Z Recommendations: Approval with Conditions. (Vote: Passed 6 –1, Petrie nay.)

1. Compliance with the basic development as shown on the site plan, and elevations submitted, except as noted below;
2. Compliance with all requirements of the Public Works Department (Engineering and Traffic Engineering, etc.);
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;
5. Review and approval of a Special Use Permit by the Board of Adjustment for (gas pumps); and
6. Review and approval of a Special Use Permit by the Board of Adjustment for (car wash) including construction details to mitigate noise impacts.

8. Consider the following subdivision plats.

Councilmember Hawker commented on agenda items a and b, discussed the fact that fissures are present in the area, and posed questions to staff regarding this matter.

- a. "PARKWOOD RANCH PARCEL 10" - The 700 block of S. Cheshire (west side) 89 R1-9-PAD-DMP single residence lots (22.95 ac.) Parkwood Ranch, L.L.C., developer; DEI Professional Services, engineer. **CONTINUED FROM THE NOVEMBER 16, 1998 CITY COUNCIL MEETING.**

It was moved by Councilmember Hawker, seconded by Vice Mayor Giles, that the Subdivision Plat for "Parkwood Ranch Parcel 10" be approved subject to compliance with the materials that have been distributed to the Council.

Carried unanimously.

- b. "PARKWOOD RANCH PARCEL 11" - The 10300 block of E. Coralbell Avenue (south side) 62 R1-6-DMP single residence lots (19.92 ac.) Parkwood Ranch, L.L.C., developer; DEI Professional Services, engineer. **CONTINUED FROM THE NOVEMBER 16, 1998 CITY COUNCIL MEETING.**

It was moved by Councilmember Hawker, seconded by Vice Mayor Giles, that the Subdivision Plat for "Parkwood Ranch Parcel 11" be approved subject to compliance with the materials that have been distributed to the City Council.

Carried unanimously.

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- *c. "UNIVERSITY SQUARE" - The 3700 block of E. University Drive (north side) 34 R1-6 single engineer.
- *d. "SUNLAND SPRINGS VILLAGE GARDEN CONDOMINIUM" - The 11200 block of E. Baseline Road (south side) 93 R-2-PAD-DMP condominium units (11.04 ac.) Transnation Title Insurance Company, developer; Clouse Engineering, Inc., engineer.
- *e. "PUEBLO SECO CONDOMINIUM" - The 100 block of S. 56th Street (east side) 166 R-2-PAD condominium units (14.07 ac.) Saxton Incorporated, developer; Site Consultants, Inc., engineer.

9. Items from citizens present. (Maximum of three speakers for three minutes per speaker).

Mayor Brown advised that there were not items from citizens present.

10. Adjournment.

It was moved by Vice Mayor Giles, seconded by Councilmember Kavanaugh, that the Regular Council Meeting adjourn at 7:29 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 21st day of December 1998. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this ____ day of _____ 1999

BARBARA JONES, CITY CLERK