

# COUNCIL MINUTES

August 31, 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 August 31, 1998 at 5:45 p.m.

**COUNCIL PRESENT**

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

**COUNCIL ABSENT**

Mayor Wayne Brown  
  
POLICE OFFICER  
PRESENT  
  
Roy Dunkelbarger

**OFFICERS PRESENT**

C.K. Luster  
Neal Beets  
Barbara Jones

(Items were discussed out of order but for purposes of clarity will remain as listed on the agenda.)

Vice Mayor Giles excused Mayor Brown from the meeting.

Vice Mayor Giles recognized participants in the 1998/99 Mesa Leadership Training and Development (LTD) program who were present at the meeting.

Invocation by Pastor Peter Perry, Our Savior's Lutheran Church.

Pledge of Allegiance led by Ryan Stewart.

Presentation of gift commemorating the 10th anniversary of incorporation of Housing for Mesa.

John Smith, President and Chief Executive Officer of Housing for Mesa, introduced Debbie Burris, Chairman of the Board of Directors.

Ms. Burris briefly provided background information pertaining to her involvement with Housing for Mesa and expressed appreciation for the opportunities afforded to her and other families by the organization. Ms. Burris thanked the City of Mesa for their support of Housing for Mesa.

Mr. Smith advised that for each dollar provided by the City, Housing for Mesa receives \$4.55 in private funding. Mr. Smith reported that Housing for Mesa has leveraged approximately \$10.9 million over the last ten years and has received requests for assistance from an estimated 6,000 families (1,700 in the last year).

Mr. Smith presented a plaque to the City in commemoration of the tenth anniversary of the incorporation of Housing for Mesa and thanked the City for their assistance.

Vice Mayor Giles expressed appreciation to Housing for Mesa for their efforts.

1. Approval of minutes of previous meetings as written.

It was moved by Councilmember Kavanaugh, seconded by Councilmember Pomeroy, that the minutes of August 3, 6, 13, 17, and 20, 1998 be approved.

Vice Mayor Giles declared the motion carried unanimously by those present.

2. Consider all consent agenda items.

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

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

Vice Mayor Giles declared the motion carried unanimously by those present.

3. Conduct a public hearing for the following proposed annexation.

- a. A98-6 The northeast corner of 110th Street and East University Drive (East University Drive north of East Cholla Road and from North 110th Street east to North Mountain Road) (41.4+/- acres). Initiated by property owner.

Vice Mayor Giles announced that this is the time and place for a public hearing on the proposed annexation A98-6.

Frank Bennett, Jr., 101 East 1st Avenue, #105, stated that he is the owner of property within the area under consideration for annexation. Mr. Bennett spoke in favor of the proposal.

Anne McCawley, 101 East 1st Avenue, #105, stated that she supports the proposed annexation.

Ray Chambers, 437 North 110th Street, Apache Junction, noted opposition to the potential annexation of Grandview Manor into the City of Mesa. Mr. Chambers commented that many of the services currently provided to residents in the area (e.g., police, fire, water, electric, telephone, and mail) would remain unchanged, and should annexation occur, residents: a) would not be compensated for roadways, b) would have Mesa ordinances imposed upon them relating to motor homes/RV trailers, etc., and c) would be required to connect to a sewer system. Mr. Chambers expressed the opinion that the disadvantages of annexation outweigh any advantages.

Gerald Archibald, 509 North 100th Street, Apache Junction, resident of Grandview Manor, advised that a petition is being circulated among residents in opposition to the potential annexation. Mr. Archibald stated that many signatures have been collected to date and estimated that 90 percent of the subdivision's residents do not support the proposal. Mr. Archibald requested that Council delay consideration of the annexation by one month to allow additional time to complete the circulation of the petition.

Brian Beall, 430 North 111th Place, Apache Junction, resident of Grandview Manor, spoke in opposition to the proposed annexation. Mr. Beall stated that he and his neighbors are well acquainted with one another, are not disturbed by RV parking, and appreciate the variety of housing colors and styles within their neighborhood.

Jim Saterlie, 543 North 110th Street, related two personal incidents involving responses from the Maricopa County Sheriff's Office and the Mesa Police Department concerning vehicle break-ins. Mr. Beall noted the immediate service provided by the Sheriff's Office and the manner in which he was kept updated concerning the investigation. Mr. Beall expressed the opinion that the proposed annexation offers no advantages and encouraged the City not to proceed.

In response to a question from Vice Mayor Giles, Community Development Manager Wayne Balmer reported that the City is considering potential annexations prior to the year 2000. Mr. Balmer advised that the City has no property tax and that most individuals presently shop (i.e., pay sales tax) in Mesa. Mr. Balmer noted costs associated with providing services.

Mr. Balmer outlined various procedures to initiate annexations. Mr. Balmer stated that in relation to proposed annexation A98-6, Frank Bennett, Jr., the owner of land in the area, recently indicated an interest in considering annexation. Mr. Balmer said that the City forwarded survey postcards to individuals and received a response reflecting an approximate 40 percent interest in discussing (not necessarily enacting) annexation.

Mr. Balmer advised that the land under consideration is surrounded on three sides by Mesa. Mr. Balmer indicated that annexation would provide an opportunity for residents to receive City services and that it is the City's intent to construct additional police and fire stations as growth continues. Mr. Balmer stated that the public hearing concerning the proposed annexation was placed on the agenda to obtain public input and that no action has been scheduled this date. Mr. Balmer said that staff will seek direction from Council relative to proceeding (or not) with this matter.

In response to a question from Councilmember Davidson, Mr. Balmer reported that annexation is conditional upon the signatures from 51 percent or more of the property owners representing 51 percent or more of the assessed valuation in the area. Mr. Balmer stated that property owners are typically requested to sign petitions if in favor of the annexation. Mr. Balmer noted that the petitions currently being circulated by affected residents do not carry legal status but may provide guidance to Council. Mr. Balmer stated that staff will not ask individuals to sign petitions in favor of the proposal unless directed to do so by Council.

Councilmember Hawker spoke in favor of allowing the residents who are presently circulating petitions an additional 30 days to collect signatures and report to Council.

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

4. Consider the following liquor license applications.

\*a. SHAMOON G. YOUSIF, INDIVIDUAL

Person and Location Transfer Liquor Store License for Fairway Convenience Market, 340 West Brown Road. This transfer is from Samir S. Yono, Agent, Super Y Inc., 9330 East Poinsettia #108, Scottsdale, to Shamoan G. Yousif, Individual, Fairway Convenience Market, 340 West Brown Road.

\*b. THOMAS F. DIETERLE, AGENT

Person and Location Transfer Liquor Store License for Osco Drug Store #2281, 7561 East Baseline Road. This transfer is from Mohammad A. Najem, Individual, Star Food Store, 8849 North 12th Street, Phoenix, to Thomas F. Dieterle, Agent, Osco Drug of Texas Inc., 7561 East Baseline Road.

\*c. BRUCE W. HOLBROOK, AGENT

- New Beer and Wine Store License for Food Mart, 5208 East Main Street. The license previously held at this location by John T. Buchholz, Agent, TRMI Holdings, Inc., will revert back to the State.
- \*d. BRUCE W. HOLBROOK, AGENT
- New Beer and Wine Store License for Texaco Star Mart, 1166 North Higley Road. The license previously held at this location by John T. Buchholz, Agent, TRMI Holdings, Inc., will revert back to the State.
- \*e. BRUCE W. HOLBROOK, AGENT
- New Beer and Wine Store License for Texaco Star Mart, 6806 East Brown Road. The license previously held at this location by John T. Buchholz, Agent, TRMI Holdings, Inc., will revert back to the State.
- \*f. BRUCE W. HOLBROOK, AGENT
- New Beer and Wine Store License for Texaco Star Mart, 2015 West University Drive. The license previously held at this location by John T. Buchholz, Agent, TRMI Holdings, Inc., will revert back to the State.
- \*g. BRUCE W. HOLBROOK, AGENT
- New Beer and Wine Store License for Texaco Star Mart #334, 1957 North Country Club Drive. The license previously held at this location by John T. Buchholz, Agent, TRMI Holdings, Inc., will revert back to the State.
- \*h. JAMES J. BEAULIEU, INDIVIDUAL
- New Beer and Wine Store License for Twenty Four - Seven #1, Southwest Corner Stapley and McKellips Road. This is a new business; no previous liquor licenses at this location.

5. Consider the following bingo application - Class A.

- \*a. Sun Terrace Retirement Community  
Sandra J. Wargo, Manager  
1825 West Emilita  
Mesa, Arizona 85202

6. Consider the following contracts.

- \*a. One-year renewal of the annual supply contract for Class 200 gas meters for Materials & Supply Division Warehouse inventory as requested by the Utility Department. These gas meters are used for single-family residential accounts.
- The Purchasing Division recommends exercising the first of two 1-year renewal options with the original low bid by National Meter, Inc. at \$136,500.00 plus 5% use tax of \$6,825.00 for a total award of \$143,325.00 based on estimated requirements.
- b. Sale of 234 surplus weapons as requested by the Police Department. These weapons are sold in groups (lots) to companies who have a Federal Firearms License.

The Purchasing Division recommends accepting the highest bids as follows:

Lot 1 to Arizona Sportsman for \$1,200.00; and Lots 2 and 3 to Bear Mountain for \$22,305.00. The combined award is then \$36,430.00. Since the weapons are being purchased for resale, the sale is not taxable.

Councilmember Kavanaugh stated that an item involving surplus weapons was considered by Council approximately one year ago, at which time he voted in favor of the proposal. Councilmember Kavanaugh said that he has subsequently had discussions with former Vice Mayor Gilbert concerning the matter and has been advised that staff was directed by a previous Council to sell such weapons to companies having a Federal Firearms License. Councilmember Kavanaugh stated that he has additionally been informed that the predominant policy among Valley communities is to destroy such weapons, except for those suitable for Police Department use.

Councilmember Kavanaugh noted that the issue before Council is a contract item but stated that he will not vote in favor of the recommendation because he does not support the underlying policy. Councilmember Kavanaugh expressed the opinion that the City should not provide additional firearms to the public and encouraged reconsideration of this practice for possible conformance to other municipalities.

Councilmember Davidson expressed appreciation for the efforts of Police Department personnel but said that he will not vote in favor of the recommendation. Councilmember Davidson stated the opinion that the City should not make weapons available to the general public but suggested that weapons suitable for Police Department use could possibly be made available to Mesa's sister cities or other law enforcement agencies.

Assistant Police Chief Fred Conway provided background information concerning this issue, stating that the City's prior policy was to sell the weapons at public auction at the Police Department and to conduct a background investigation, which was labor intensive. Chief Conway stated that the Police Department's practice of selling surplus weapons in lots to companies who have a Federal Firearms License was established to streamline the process and ensure that weapons are sold to licensed dealers. Chief Conway advised that the weapons currently proposed for sale are confiscated weapons.

Councilmember Hawker commented that he assisted in drafting the City's current policy, which he believes is an improvement over the previous practice. Councilmember Hawker stated that under the present policy, weapons having a minimum value of less than \$100 are destroyed.

Chief Conway reported that during the last fiscal year, more than 2,000 weapons were confiscated, of which approximately 680 were destroyed. Chief Conway related the manner in which the value of weapons is determined.

Councilmember Hawker noted the rights of citizens to bear arms and said that he is in support of the City's current practice.

In response to a question from Councilmember Pomeroy, Chief Conway advised that the weapons are to be sold to companies who have a Federal Firearms License. Chief Conway stated that Bear Mountain is a federally licensed firearms dealer and will be required to conduct background investigations before selling weapons to individuals.

Councilmember Pomeroy said that he does not support the proposal.

Councilmember Jaffa noted the right to bear arms but expressed the opinion that weapons should not be made readily available. Councilmember Jaffa concurred with Councilmember Kavanaugh and said that he will not vote in favor of the contract.

Vice Mayor Giles stated the opinion that the current practice represents an appropriate compromise, provides an opportunity to destroy a quantity of firearms, and reduces public expense. Vice Mayor Giles commented that the possession of firearms is legal and stated that he supports the present policy.

Chief Conway advised that most of the weapons carry a high resale cost.

Councilmember Kavanaugh noted the efforts of staff but reiterated his concerns relative to the underlying process.

It was moved by Councilmember Kavanaugh, seconded by Councilmember Davidson, that all bids be rejected.

Councilmember Jaffa stated that his review of the issue indicates that the revenues derived from the proposal would not have a significant impact.

Upon a tabulation of votes, it showed:

AYES - Davidson-Jaffa-Kavanaugh-Pomeroy  
NAYS - Giles-Hawker  
ABSENT - Brown

Vice Mayor Giles declared the motion carried by majority vote of those present.

- \*c. Annual supply contract for fasteners and related automotive hardware as requested by Fleet Support Services.

The Purchasing Division recommends accepting the lowest overall bid by Southwestern Supply Company, Inc. for annual purchases estimated at \$45,000.00 based on estimated requirements.

- \*d. One replacement medium volume copier as requested by the Mesa Housing Authority.

The Purchasing Division recommends authorizing purchase from the State of Arizona contract with Danka Business Systems at \$10,974.00 plus 6.80% sales tax of \$746.23 for a total of \$11,720.23.

- \*e. Outdoor metalclad switchgear and bus duct as requested by the Utility Department. This equipment is part of the Lewis Electric Substation expansion project.

The Purchasing Division recommends accepting the low bid by Border States Electric at \$130,620.00 plus 6.80% sales tax of \$8,882.16 for a total of \$139,502.16.

- \*f. Two-year supply contract for pole top transformers for Materials and Supply Division warehouse inventory as requested by the Utilities Department. These transformers are used to provide electrical service to City utility customers.

The Purchasing Division recommends awarding the primary contract to Howard Industries, as the bidder with the lowest (lifetime) evaluated cost. Annual expenditures are estimated at \$60,000.00. In order to assure continuity of supply, it is also recommended a secondary contract be awarded to Central Maloney, the bidder with the second lowest (lifetime) evaluated cost. They will be called when or if the primary supplier is unable to fill a particular order.

- \*g. Annual supply contract for tires for Materials and Supply Division Warehouse inventory as requested by Fleet Support Services.

The Purchasing Division recommends authorizing purchase from the State of Arizona contracts with Goodyear Tire and Rubber Company and Continental General Tire for annual expenditures estimated at \$250,000.00 based on estimated requirements.

- \*h. Traffic accident investigation instruments as requested by the Police Department. This equipment will improve the accuracy and reduce the time associated with accident investigations.

The Purchasing Division recommends accepting the bid by Surveyors Instrument Service Company at \$9,999.00 plus 6.80% sales tax of \$679.93 for a total of \$10,678.93.

- \*i. Modular office work stations for the Fire Department Administration, Emergency Medical Services, MEGACORP, and Redevelopment offices as requested by the Public Works Department.

The Purchasing Division recommends authorizing purchase from State of Arizona contract with Goodman's Inc. at \$148,811.09 including materials, design services, delivery, installation, and applicable sales tax.

- \*j. Fleet Support Building Restroom (Project 98-02).

This project involves the construction of new restroom and locker facilities at the Fleet Support building located at the Sixth Street Service Center.

Recommend award to low bidder, Construction Management Design Build, L.L.C., in the amount of \$189,200.00.

7. Introduction of the following ordinances and setting September 8, 1998 as the date for the public hearing on these ordinances.

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

- \*a. **A98-4** The proposed annexation of an area around the southeast corner of Elliot and Power Roads (154+/- acres). Initiated by property owner.
- \*b. **A98-7** The proposed annexation of an area east of Ellsworth Road and northwest of the Signal Butte Floodway (20.3+/- acres). Initiated by property owner.
- \*c. Amending section 10-3-17 of the Mesa City Code "Special Stops Required"; designating certain streets as through streets including Los Alamos from Decatur Street to Adobe Street; removing the parking prohibition on the west side of 88th Street from University Drive to a point 947 feet north of University Drive; and prohibiting parking on the west side of Udall from Main Street to a point 50 feet south of Main Street as recommended by the Traffic Safety Committee.
- \*d. Amending the Mesa City Code by adding a section pertaining to obstructing a fire lane to Title 10, Chapter 3; and providing for severability.
- e. **Z98-62** The 2800 through 4400 blocks of North Power Road (east side) east of the CAP Canal and the 7000 through 7500 blocks of East McDowell Road (both sides). Consider the modification of the development Master Plan for "Las Sendas" (1, 838.3 acres). **THIS ORDINANCE**

**INCORPORATES REVISIONS MADE SINCE THE ORIGINAL ORDINANCE WAS INTRODUCED.**

(See Item 12n for additional voting on this issue.)

It was moved by Councilmember Pomeroy, seconded by Councilmember Hawker, that an ordinance governing Z98-62 be reintroduced and that September 8, 1998 be set as the date for the public hearing on this ordinance.

Upon a tabulation of votes, it showed:

AYES - Davidson-Giles-Hawker-Kavanaugh-Pomeroy  
NAYS - Jaffa  
ABSENT - Brown

Vice Mayor Giles declared the motion carried by majority vote of those present.

- f. **Z98-66** Parcel 18 at Las Sendas. Rezone from R1-90-DMP to R1-7-PAD-DMP (11 acres). This case involves the future development of a 35-lot residential subdivision. **THIS ORDINANCE INCORPORATES REVISIONS MADE SINCE THE ORIGINAL ORDINANCE WAS INTRODUCED.**

(See Item 12r for additional voting on this issue.)

It was moved by Councilmember Pomeroy, seconded by Councilmember Hawker, that an ordinance governing Z98-66 be reintroduced and that September 8, 1998 be set as the date for the public hearing on this ordinance.

Upon a tabulation of votes, it showed:

AYES - Davidson-Giles-Hawker-Kavanaugh-Pomeroy  
NAYS - Jaffa  
ABSENT - Brown

Vice Mayor Giles declared the motion carried by majority vote of those present.

- g. **Z98-71** Parcels 45, 49, and 50 at Las Sendas. Rezone from R1-90-DMP to R1-7-PAD-DMP (59.16 acres). This case involves the development of a 197-lot residential subdivision. **THIS ORDINANCE INCORPORATES REVISIONS MADE SINCE THE ORIGINAL ORDINANCE WAS INTRODUCED.**

(See Items 12o and 12w for additional discussion and voting on this issue.)

It was moved by Councilmember Pomeroy, seconded by Councilmember Hawker, that an ordinance governing Z98-71 be reintroduced and that September 8, 1998 be set as the date for the public hearing on this ordinance.

Upon a tabulation of votes, it showed:

AYES - Davidson-Giles-Hawker-Kavanaugh-Pomeroy  
NAYS - Jaffa  
ABSENT - Brown

Vice Mayor Giles declared the motion carried by majority vote of those present.

8. Consider the following ordinances.

- \*a. Prohibiting parking on the north side of Dana Avenue from Country Club Drive to a point 60 feet west of Country Club Drive and on the south side of Dana Avenue from Country Club Drive to a point 75 feet west of Country Club Drive; establishing a 50 mph speed limit on Sossaman Road from Guadalupe Road to Elliot Road; and establishing a speed limit of 35 mph on Hawes Road from Guadalupe Road to Elliot Road, as recommended by the Traffic Safety Committee - Ordinance No. 3506.
- b. Changing the zoning of certain property described in Zoning Case HL98-001TC (Historic Landmark Overlay District for Irving School); adopting an official supplementary zoning map and providing penalties for the violation thereof. **CONTINUED FROM THE JULY 20, 1998 COUNCIL MEETING** - Ordinance No. 3524.

It was moved by Councilmember Pomeroy, seconded by Councilmember Kavanaugh, that Ordinance No. 3524 be adopted.

Councilmember Hawker indicated a preference to delay action until completion of the new performing arts facility. Councilmember Hawker expressed concern that a historic landmark overlay district is not warranted and that such designation places restrictions upon the property. Councilmember Hawker reported that preservation/maintenance costs are estimated at \$150,000 annually. Councilmember Hawker stated the opinion that action at this time is premature and stated that he will vote in opposition to the motion.

Ron Peters, 2754 East Kael Street, related his interest in preserving historical elements within the community. Mr. Peters noted Councilmember Hawker's concerns but said that rather than inhibiting Council's final decision relative to the property, the designation of historic landmark overlay district provides an opportunity for public input concerning historical significance to the City. Mr. Peters spoke regarding historical properties previously destroyed in Mesa and the potential reuse of the Irving School. Mr. Peters encouraged Council to vote in favor of HL98-001TC.

Victor Linoff, 820 North Robson, Chairman of the Historic Preservation Committee, noted Councilmember Hawker's comments but stated that the building qualifies as a local historical property and should be designated as such at this time. Mr. Linoff stated that the City has the opportunity to carefully consider reuse of the facility. Mr. Linoff said that the historic landmark overlay district does not preclude Council from action should an application for demolition be submitted and that the City retains the option to lease or sell the property with the stipulation that it be retained as a historical property. Mr. Linoff stated that interest in the facility has been expressed by the private sector and that a potential opportunity exists for a public/private partnership.

Councilmember Davidson spoke concerning adaptive reuse of the facility and similar properties throughout the country. Councilmember Davidson said that he will vote in favor of the proposal.

Councilmember Kavanaugh noted his initial reservations pertaining to the designation of the Irving School as a historical property but stated that given the input he has received from neighborhood citizens, the Historic Preservation Committee, and staff, he currently supports the proposal. Councilmember Kavanaugh commended the individuals involved in this issue for their efforts.

Councilmember Jaffa commented that he previously had expressed concern regarding the requested zoning but is now supportive of the proposal, particularly given the public support demonstrated. Councilmember

Jaffa stated that the designation provides a six-month delay before any demolition may be approved and that estimated maintenance fees are based on existing costs.

Mr. Linoff advised that the estimated costs are predicated on a two-year average under the current operation of the facility. Mr. Linoff stated that rehabilitation/upgrading of the building may result in decreased costs.

Councilmember Jaffa spoke in favor of proceeding, given the public support for the proposal and the six-month delay mechanism.

Councilmember Pomeroy noted historical facilities previously destroyed and stated support for the requested zoning.

Vice Mayor Giles said that he has been persuaded relative to the historical value of the property and will support the motion.

Upon a tabulation of votes, it showed:

AYES - Davidson-Giles-Jaffa-Kavanaugh-Pomeroy  
NAYS - Hawker  
ABSENT - Brown

Vice Mayor Giles declared the motion carried by majority vote of those present and Ordinance No. 3524 adopted.

9. Consider the following resolutions.

- \*a. Authorizing the City Manager to execute an easement for overhead and underground power to Salt River Project, located at the 1200 block of West Guadalupe Road and the 2800 block of South Alma School Road.

Easement is needed for the relocation of 69kv line.

(This item was approved as part of the consent agenda for continuance to the September 8, 1998 Regular Council Meeting.)

- \*b. Authorizing the City Manager to execute an easement for overhead and underground power to Salt River Project, located on the north side of Brown Road, between Lindsay Road and 32<sup>nd</sup> Street.

Easement is needed for the relocation of 69kv line.

(This item was approved as part of the consent agenda for continuance to the September 8, 1998 Regular Council Meeting.)

- \*c. Clarifying the 1996 Mesa General Plan Land Use issue.

(This item was approved as part of the consent agenda for continuance to the September 22, 1998 Regular Council Meeting.)

- \*d. Extinguishing a portion of a landscape easement and a portion of a public utility and facility easement located at 827 West Grove Avenue - Resolution No. 7249.

Landscape easement is no longer needed, and public utility and facility easement has been relocated.

- e. Amending Resolution No. 7247 re-creating a Multipurpose Facilities District - Resolution No. 7252.

City Attorney Neal Beets advised that Council recently adopted Resolution No. 7247, which re-created the Multipurpose Facilities District and required that Gilbert and Queen Creek adopt similar resolutions prior to September 1, 1998. Mr. Beets reported that the Town of Gilbert is unable to consider the adoption of such a resolution until September 1 and therefore an amended resolution to accommodate Gilbert is before Council. Mr. Beets stated that the resolution contains minor technical revisions but no substantive modifications.

It was moved by Councilmember Kavanaugh, seconded by Councilmember Pomeroy, that Resolution No. 7252 be adopted.

Councilmember Hawker provided background information pertaining to the recent adoption of a resolution re-creating the Multipurpose Facilities District. Councilmember Hawker spoke concerning the potential for a ballot measure at the Spring 1999 election and a stipulation relating to development agreements with private developers. Councilmember Hawker related concerns pertaining to long-term operating costs and potential deficit but indicated a willingness to allow the process to proceed at this time. Councilmember Hawker stated that he will vote in favor of the motion.

Councilmember Jaffa concurred with Councilmember Hawker's comments and said that he will support the adoption of the resolution before Council.

Vice Mayor Giles declared the motion carried unanimously by those present and Resolution No. 7252 adopted.

\*10. Consider two resolutions and two ordinances modifying rate schedules for fire hydrant meters as recommended by the Finance Committee.

- \*a. A resolution and ordinance modifying rate schedules for water utility services (revises the minimum monthly charge and deposit amount for fire hydrant meters) - Resolution No. 7250; Ordinance No. 3507.
- \*b. A resolution and ordinance modifying rate schedules for utility-related services (revises requirement for installation and relocation of fire hydrant meters) - Resolution No. 7251; Ordinance No. 3508.

11. Consider the following appeal from the Design Review Board.

- a. **DR98-35** 1608 North Greenfield Road.

Community Development Manager Wayne Balmer presented a synopsis of the appeal from the Design Review Board. Mr. Balmer noted current use of the property as a landscaping firm and a request from the applicant to add a kennel.

Mr. Balmer reported that a neighbor, John Perkinson, had requested an opportunity to provide input concerning this case but was unable to attend the recent meeting of the Design Review Board. Mr. Balmer stated that the Design Review Board recommended approval of the case but that staff has suggested referral back to the Design Review Board at a meeting to be held on Wednesday, September 2, 1998.

John Perkinson, 4222 East McLellan, concurred with the recommendation of staff to refer the case back to the Design Review Board. Mr. Perkinson said that he received notification of the Design Review Board meeting the day of the meeting and was unable to adjust his schedule to attend. Mr. Perkinson commented that the

case is unique and has not required an appearance before Council in three years. Mr. Perkinson stated that he has addressed specific concerns in letters and discussions with staff.

Mr. Perkinson spoke concerning property boundaries and fencing. Mr. Perkinson stated that a site plan has not been prepared for this location and that the property use necessitates screening and dust-control measures. Mr. Perkinson commented that Greenfield Road is a major arterial street and that it is his intent to ensure that activities are implemented in a manner that will enhance the area. Mr. Perkinson requested that Council provide direction to the Design Review Board to protect the integrity of Greenfield Road.

H. M. Walthall, 105 South Stapley, attorney for the applicant, displayed schematics and stated that the applicant has complied with all regulations and has obtained all required permits. Mr. Walthall reported that questions have been addressed to the satisfaction of staff and expressed the opinion that it is inappropriate to refer the case back to the Design Review Board based on the objections of one individual. Mr. Walthall encouraged Council to deny the appeal.

It was moved by Councilmember Pomeroy, seconded by Councilmember Kavanaugh, that Case DR98-35 be referred back to the Design Review Board.

Councilmember Jaffa expressed the opinion that the design of the plan is not compatible with residential development to the west and does not incorporate a sufficient buffer. Councilmember Jaffa commented that the usage is a rock-and-gravel establishment rather than a landscaping business and necessitates substantial design modifications.

Dave Martin, applicant, responded to questions from Councilmember Hawker pertaining to landscaping, walls, and variances. Mr. Martin indicated that various issues were not presented to the Design Review Board last year because the Design Review Board did not have jurisdiction at that time. Mr. Martin advised that he has appeared several times recently before the Design Review Board and has addressed their questions. Mr. Martin commented that he has operated in compliance at all times.

Councilmember Hawker said that he will vote in favor of referring the case back to the Design Review Board but requested historical information from the applicant outlining actions taken and identifying compliance with regulations. Councilmember Hawker noted Mr. Perkinson's interest in the case and additionally supported referring the matter given the fact that Mr. Perkinson was not advised in a timely manner of the Design Review Board's recent meeting.

Councilmember Kavanaugh stated that the duties and responsibilities of the Design Review Board were recently expanded because of cases such as this. Councilmember Kavanaugh commented that the process may be unfamiliar to individuals but is intended to be in the best interest of the community. Chairman Kavanaugh expressed the opinion that additional work is necessary relative to the case and referring the matter back to the Design Review Board is consistent with Council's policy concerning the Board's expanded role.

Vice Mayor Giles said that he is familiar with the property and expressed the opinion that it is in the best interest of the City to refer the matter back to the Design Review Board.

Vice Mayor Giles declared the motion carried unanimously by those present.

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

- \*a. **Z98-1** The 1800 block of North Higley Road (east side). Rezone from M-1-DMP to R-3-DMP (13+/- acres). This case involves development of a 200-unit apartment complex. Scott Homes, owner; Beus, Gilbert & Morrill, applicant - Ordinance No. 3509.

P&Z Recommendations: Approval with conditions: (Vote 5-0 - Brock and Kathe absent).

1. Compliance with the basic development as described in the project narrative and as shown on the site plan and elevations submitted, except as noted below;
2. Compliance with letter dated July 6, 1998 from Jason Morris to Frank Mizner which is included in the zoning case file;
3. Compliance with the letter dated July 10, 1998 from Jennifer Brooks to Spencer Krueger which is included in the zoning case file;
4. Compliance with all City development codes and regulations;
5. Compliance with all requirements of the Public Works Department (Engineering and Traffic Engineering, etc.);
6. 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;
7. All street improvements and perimeter landscaping to be installed in the first phase of construction;
8. Compliance with all requirements of the Subdivision Technical Review Committee;
9. Nonconforming and/or prohibited signs shall be brought into conformance prior to the issuance of a building permit;
10. 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);
11. Written notice be provided to future residents and acknowledgment received that the project is within one mile of Falcon Field Airport; and
12. Noise-attenuation measures be incorporated into the design and construction of the buildings to achieve a noise level reduction of 25 db.

- \*b. **Z98-42** The southeast corner of Power Road and Kiowa Avenue. Site Plan Review (7± acres). This case involves the development of a strip retail center. FAC Realty Trust, owner; Transmark Company, applicant - Ordinance No. 3510.

P&Z Recommendations: Approval with conditions: (Vote 5-0 - Brock & Kathe absent).

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, 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 regulations regarding land splits;
6. Compliance with all requirements of the Design Review Board;
7. All street improvements and perimeter landscaping to be installed with the first phase of the large parcel north of the animal clinic; and
8. Project landscaping to match the requirements of the Superstition Springs DMP for arterial streets.

- c. **Z98-49** The northeast corner of University and Sossaman. Rezone from R1-43 to R1-7-PAD (48+/- acres). This case involves the development of a residential subdivision. Argil Company, owner; Cornerstone Homes & Development, Inc., applicant - Ordinance No. 3525.

P&Z Recommendations: Approval with conditions: (Vote 5-0 - Brock & Kathe absent).

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 the Residential Development Guidelines (including 10 percent increase of corner lot width, and four-sided architectural detailing with incorporation of patio overhangs), except for 25 percent of lots to be less than 7,000 sq.ft.;
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 the applicant's letters to the neighbors dated June 16, 1998.

Councilmember Davidson said that he does not support the zoning request because the proposal does not represent effective land-use planning. Councilmember Davidson expressed concern relative to the encroachment of playgrounds and open space into utility corridors. Councilmember Davidson cited the recent western grid power outage and the transmission tower exploration by a child as examples of the impact of such encroachment on quality of life.

Todd Tucker, 160 North Pasadena, Suite 102, President of Cornerstone Homes & Development, Inc., applicant, stated that he has worked with staff relative to densities and the use of open space, as well as neighbors, who are supportive of the proposal, particularly given the fact that the vacant property has frequently been utilized for dumping. Mr. Tucker indicated that he is attempting to appropriately utilize the land and intends to erect fencing around the base of towers to make them inaccessible to children.

It was moved by Councilmember Pomeroy, seconded by Councilmember Hawker, that Ordinance No. 3525 be adopted.

Upon a tabulation of votes, it showed:

AYES - Giles-Hawker-Jaffa-Pomeroy  
NAYS - Davidson-Kavanaugh  
ABSENT - Brown

Vice Mayor Giles declared the motion carried by majority vote of those present and Ordinance No. 3525 adopted.

- \*d. **Z98-50** The 5200-5400 blocks of East McKellips Road. Rezone from M-1-DMP to R-2-PAD-DMP (11.76 acres). This case involves development of 115+/- townhouses. Maracay Homes, owner; Beus, Gilbert & Devitt, applicant - Ordinance No. 3511.

P&Z Recommendations: Approval with conditions: (Vote 5-0 - Brock & Kathe absent).

1. Compliance with the basic development as described in the project narrative and as shown on the site plan (without guarantee of lot yield as shown) and elevations submitted, except as noted below;
2. Compliance with letter dated July 6, 1998 from Jason Morris to Frank Mizner which is included in the zoning case file;
3. Compliance with the Residential Development Guidelines except as noted below;

4. Provide a 20' deep landscape area (combined total of right-of-way and private tract) adjacent to McKellips Road and provide at least one row of citrus (minimum 32" box) outside the subdivision wall;
5. Provide a 41' separation between any two-story unit and the common property line with Park Links development;
6. Unless approved by Public Works Department for refuse and recyclable enclosures, applicant shall extend the depth of all garages to accommodate storage of two 90-gallon containers, to be approved by staff;
7. Compliance with all requirements of the Public Works Department (Engineering and Traffic Engineering, etc.);
8. 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;
9. All street improvements and perimeter landscaping to be installed in the first phase of construction;
10. Compliance with all requirements of the Subdivision Technical Review Committee;
11. Recordation of cross-access easements;
12. Nonconforming and/or prohibited signs shall be brought into conformance prior to the issuance of a building permit;
13. 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);
14. Written notice be provided to future residents and acknowledgment received that the project is within one mile of Falcon Field Airport; and
15. Noise-attenuation measures be incorporated into the design and construction of the homes to achieve a noise level reduction of 25 db.

\*e. **Z98-51** The southeast corner of Crismon Road and Southern Avenue. Rezone from R1-43 to C-2 (14+/- acres). This case involves development of a grocery shopping center. Park West, Inc. owner; Ralph Pew, applicant - Ordinance No. 3512.

P&Z Recommendations: Approval with conditions: (Vote 5-0 - Brock & Kathe absent).

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, at the time of recordation of the subdivision plat, 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 all requirements of the Subdivision Technical Review Committee;
7. Compliance with all requirements of the Design Review Board;
8. All pad buildings to be architecturally compatible with the center; and
9. Review and approval of a Special Use Permit by the Board of Adjustment for gas pumps, car wash, and a comprehensive sign plan.

f. **Z98-52** The southeast corner of Signal Butte and Adobe. Rezoned from R1-43 to R1-9 PAD (53.8 acres). This case involves development of a single-residence subdivision with approximately 153 lots. Roger Nelson, owner; Ralph Pew, applicant.

P&Z Recommendations: Approval with conditions: Vote: 4-1 - Parker nay, Brock and Kathe absent).

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 the Residential Development Guidelines;
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. Lots in the southern third of the subdivision to be no less than 70' wide, 117' deep; and
7. All lots north and west of the wash shall be not less than 10,000 sq. ft.

Councilmember Jaffa indicated that he had a potential conflict of interest in connection with the matter now under discussion which he wanted recorded in the minutes of the meeting, and because of such conflict of interest, he would refrain from voting upon or otherwise participating in any manner in connection with same.

Vice Mayor Giles advised that the applicant has requested a continuance of this case.

Dawn Nehls, 612 North Signal Butte Road, said that neighbors have attempted to work with the applicant and developer concerning Z98-52 since the end of March 1998. Ms. Nehls reported that the applicant recently indicated that a plan with approximately 154 lots, including one-acre lots along Adobe, would be submitted to the City. Ms. Nehls stated that the applicant instead submitted a plan for 174 lots and advised the neighbors that staff supported the proposal. Ms. Nehls said that staff in fact did not favor the proposal and rejected the plan, requiring that the applicant wait an additional month to resubmit a proposal.

Ms. Nehls stated that in July, the Planning and Zoning Board directed the applicant to work with the neighbors relative to amenities. Ms. Nehls commented that the neighbors requested lighted walking paths and a community picnic area and the elimination of a basketball court. Ms. Nehls noted that the current proposal includes a provision for basketball. Ms. Nehls expressed concerns pertaining to housing elevations and densities and requested that Council refer the matter back to the Planning and Zoning Board and direct the applicant to work with staff.

Councilmember Kavanaugh indicated support for continuing this issue. Councilmember Kavanaugh stated that he does not favor the current proposal and encouraged efforts between the neighbors and developer to effect a compromise.

It was moved by Councilmember Kavanaugh, seconded by Councilmember Davidson, that Zoning Case No. Z98-52 be continued to the September 22, 1998 Regular Council Meeting.

Councilmember Hawker indicated a preference for a reduction in density and encouraged continued efforts relative to the case.

Upon a tabulation of votes, it showed:

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

Vice Mayor Giles declared the motion carried unanimously by those present and voting.

- g. **Z98-54** The southwest corner of Country Club and Juanita. Site Plan Modification (10.25 acres). This case involves development of a retail pad building, a drive through restaurant, a gas station, and an industrial/office building. Kenneth Roth, owner; Ralph Pew, applicant.

P&Z Recommendations: Approval with conditions: (Vote 4-1 - Petrie nay, Kathe and Brock absent).

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. 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;
5. All street improvements and perimeter landscaping to be installed in the first phase of construction;
6. Compliance with all requirements of the Subdivision Technical Review Committee;
7. Recordation of cross-access and reciprocal parking easements;
8. Compliance with all requirements of the Design Review Board;
9. All buildings to be architecturally compatible; and
10. Review and approval of a Special Use Permit by the Board of Adjustment for gas pumps, car wash, and a comprehensive sign plan.

Ralph Pew, 10 West Main Street, representing the owner, stated that Z98-54 is a request for a site plan modification for property located on the southwest corner of Juanita and Country Club Drive. Mr. Pew related two previous amendments to the site plan (including the provision for a Fry's store) and provided background information concerning the current proposal to develop the northern portion as retail along Country Club Drive and the western portion as industrial/warehouse/office. Mr. Pew noted existing neighborhood retail (e.g., Home Depot, Texaco, and the Waffle House) and industrial uses.

Mr. Pew expressed the opinion that a different plan would likely have been presented 10 to 15 years previously but that the proposal before Council is appropriate given the present surrounding uses. Mr. Pew outlined a proposed integrated system of landscaping and plans for design review and architectural compatibility among buildings. Mr. Pew commented that the area is predominantly C-3 but that the request represents C-2 commercial uses. Mr. Pew noted an additional commitment to market the western portion of the property.

Councilmember Kavanaugh stated that he disagreed with the prior decision to approve a Fry's store and in retaining consistency with his former position, does not support the current proposal. Councilmember Kavanaugh said that should approval be granted, he is confident that the owner/applicant will work with the Design Review Board as the plan progresses.

In response to a question from Councilmember Pomeroy, Community Development Manager Wayne Balmer advised that the Planning and Zoning Board reluctantly recommended approval of Z98-54, commenting that the proposal was not what they had envisioned for the site. Councilmember Pomeroy concurred and stated that his approval, if granted, would additionally be reluctant.

Mr. Pew stated that other uses may be preferable but that the current industrial/commercial mix will not induce high-quality development.

Councilmember Davidson agreed with Councilmember Pomeroy. Councilmember Davidson stated that the site represents an entryway to the City. Councilmember Davidson expressed the opinion that Council should not grant approval if averse to the proposal and that more appropriate usage should be pursued.

Councilmember Jaffa shared concerns noted by Councilmembers but stated the opinion that a standard was established when the requests for a Home Depot and a Fry's store were approved. Councilmember Jaffa encouraged the utilization of luxuriant landscaping and reluctantly indicated support for the proposal given the existing development in the area.

Councilmember Hawker noted difficulty in voting in favor of the proposal given the diversity of the three pads and indicated a preference that the existing pads represent the exceptional rather than the typical use of the property. Councilmember Hawker expressed concern relative to establishing a precedent when one larger use would be more appropriate. Councilmember Hawker stated that he will not vote in support of the proposal.

Vice Mayor Giles stated the opinion that a standard has been established with the approval of the Home Depot and the Fry's store and that it is unrealistic to anticipate high-quality development in the area. Vice Mayor Giles said that he will reluctantly vote in favor of the plan.

Councilmember Pomeroy spoke concerning the irregularity of the area and commented that luxuriant landscaping may enable him to vote in support of the proposal.

Mr. Pew requested that Council continue this matter to the September 22, 1998 Regular Council Meeting when all members of Council are anticipated to be present.

It was moved by Councilmember Jaffa, seconded by Councilmember Pomeroy, that Zoning Case Z98-54 be continued to the September 22, 1998 Regular Council Meeting.

Upon a tabulation of votes, it showed:

AYES - Giles-Hawker-Jaffa-Pomeroy  
NAYS - Davidson-Kavanaugh  
ABSENT - Brown

Vice Mayor Giles declared the motion carried by majority vote of those present.

- \*h. **Z98-55** The southwest corner of University Drive and Merrill Road. Establish R1-43 and City R1-7-PAD zoning (25+/- acres). This case establishes City zoning on recently annexed land. Sahuaro Ventures LLC and E. Soliz, owner; City of Mesa, applicant - Ordinance No. 3513.

P&Z Recommendations: Approval with conditions: (Vote 5-0 - Brock & Kathe absent).

1. Compliance with the approved Superstition Views II plat;
2. Review and approval by the Planning and Zoning Board, Design Review 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, at the time of recordation of the subdivision plat, or at the time of the City's request for dedication, whichever comes first.

- \*i. **Z98-56** 3129 East McKellips Road. Rezoned from R1-43 to C-2 (3+/- acres). This case involves the development of a restaurant. Dennis Serrine, owner/applicant - Ordinance No. 3514.

P&Z Recommendations: Approval with conditions: (Vote 5-0 - Brock & Kathe absent).

1. Compliance with the basic development as shown on the site plan and elevations submitted, except as noted below;

2. Compliance with all requirements of the Public Works Department (Engineering and Traffic Engineering, etc.);
3. Dedicate the right-of-way required under the Mesa City Code at the time of application for a building permit, at the time of recordation of the subdivision plat, or at the time of the City's request for dedication, whichever comes first; and
4. Compliance with all requirements of the Design Review Board.

\*j. **Z98-57** Part of the 3800 block of East McLellan – south side. Rezone from AG to R1-35-PAD (5+/- acres). This case involves the development of a 4-lot residential subdivision. Don Stapley, owner; Kelly Hall, applicant - Ordinance No. 3515.

P&Z Recommendations: Approval with conditions: (Vote 5-0 - Brock & Kathe absent).

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 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. One row of citrus to be retained outside of the project wall, along the interior lot lines, and in portions of the nonbuildable area of the lot; and
6. Owner granting an Avigation Easement and Release to the City pertaining to Falcon Field Airport, which will be prepared and recorded by the City (concurrently with the recordation of the final subdivision map, prior to the issuance of a building permit).

\*k. **Z98-58** Part of the 5900 block of East Southern Avenue - south side. Site Plan Review (2+/- acres). This case involves the development of a retail center. Superstition Springs 9 Association, owner; John Hill, applicant - Ordinance No. 3516.

P&Z Recommendations: Approval with conditions: (Vote 5-0 - Brock & Kathe absent).

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. All buildings to be architecturally compatible with the adjacent commercial uses;
5. All signage to be compatible with the Mall area signage; and
6. Parking for the main building be provided as per Code for nondefined retail buildings (1 space/300 sq. ft.).

\*l. **Z98-60** The 8700 block of East Baseline Road – south side. Rezone from AG-DMP to R-2-PAD (40± acres). This case involves the development of a 250± lot residential subdivision. Brighton Development, Wine Family Trust, et al., owner; Stephen Earl (Trend Homes), applicant - Ordinance No. 3517.

P&Z Recommendations: Approval with conditions: (Vote 5-0 - Brock & Kathe absent).

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 the Residential Development Guidelines;
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, 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. Owner granting an Avigation 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);
7. Written notice be provided to future residents and acknowledgment received that the project is within four miles of Williams Gateway Airport;
8. Noise-attenuation measures be incorporated into the design and construction of the homes to achieve a noise level reduction of 25 db;
9. Establishment of an R1-6-PAD zone;
10. Details of the refuse pickup to be approved by Solid Waste; and
11. Noise-attenuation wall to be approved by Public Works.

- \*m. **Z98-61** Part of the 3700-3800 blocks of East Huber Street. Rezone from AG to R1-35 (13+ acres). This case involves the development of a 3-lot residential subdivision. Gary Gietz, et al., owner; Phil Stapley, applicant - Ordinance No. 3518.

P&Z Recommendations: Approval with conditions: (Vote 5-0 - Brock & Kathe absent).

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 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. Citrus to be retained along the perimeter of the lots and in portions of the nonbuildable area of the lots; and
6. Owner granting an Avigation Easement and Release to the City pertaining to Falcon Field Airport, which will be prepared and recorded by the City (concurrently with the recordation of the final subdivision map, prior to the issuance of a building permit).

- n. **Z98-62** The 2800 through 4400 blocks of North Power Road (east side) east of the CAP Canal and the 7000 through 7500 blocks of East McDowell Road (both sides). Consider the modification of the Development Master Plan for "Las Sendas" (1,838.3 acres). Sonoran Desert Holdings, L.L.C. owner/applicant; represented by Proehl Development.

P&Z Recommendations: Approval with conditions: (Vote 6-0; Petrie absent).

1. Compliance with the basic development as shown on the Las Sendas DMP (2nd Amendment) except as noted below;
2. Review and approval by the Planning Zoning Board and City Council of future development plans;
3. Any request for density transfers shall be considered on a case-by-case basis, with all parcels involved rezoned together;
4. A native plant inventory for each parcel shall be prepared prior to final plat approval;
5. All disturbed areas must be fully revegetated. The larger materials should be those salvaged from the site itself. Additional plant material from the Las Sendas "Approved Plant List" may be used to augment the original desert;
6. Additional product elevations to be submitted for administrative approval by Planning Staff;
7. Compliance with all applicable City development codes and regulations;

8. Private street connection between Las Sendas and Las Sendas Mountain, adjacent to Parcel 17, is to be designed to Public Works Department standards and remain ungated;
9. Compliance with all requirements of the Public Works Department (Engineering and Traffic Engineering, etc.);
10. Compliance with all requirements of the Design Review Board as necessary for nonresidential development;
11. Dedicate the right-of-way required under the Mesa City Code at the time of recordation of a subdivision plat or at the time of the City's request for dedication, whichever comes first; and
12. Compliance with applicant's letters dated July 28, 1998 and July 29, 1998.

(See Item 7e for additional voting on this item.)

It was moved by Councilmember Pomeroy, seconded by Councilmember Hawker, that zoning request Z98-62 be approved.

Upon a tabulation of votes, it showed:

AYES - Davidson-Giles-Hawker-Jaffa-Pomeroy  
NAYS - Jaffa  
ABSENT - Brown

Vice Mayor Giles declared the motion carried by majority vote of those present.

- o. **Z98-63** Parcel 4 at Las Sendas. Rezone from R1-90-DMP to R1-7-PAD-DMP (37 acres). This case involves the development of a 92-lot residential subdivision. Sonoran Desert Holdings, L.L.C. owner/applicant; represented by Proehl Development - Ordinance No. 3526.

P&Z Recommendations: Approval with conditions: (Vote 6-0; Petrie absent).

1. Compliance with the basic development as described in the project narrative and as shown on the preliminary plat submitted, except as noted below;
2. Deletion of two lots between Lots 18 - 31 along the parcel's north boundary;
3. Compliance with all applicable City development codes and regulations; 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. All street improvements and perimeter landscaping to be installed in the first phase of construction; and
6. Compliance with all requirements of the Subdivision Technical Review Committee.

(Items 12o, 12s, and 12w were considered simultaneously by Council.)

Stephen Earl, 3101 North Central Avenue, Phoenix, representing Blandford Homes, the current master developer for Las Sendas, presented background information pertaining to Zoning Cases Z98-63 (Parcel 4), Z98-67 (Parcel 19), and Z98-71 (Parcels 45, 49, and 50). Mr. Earl stated that the three cases have been recommended for approval by the Planning and Zoning Board and staff and have received considerable neighborhood support. Mr. Earl advised that the proposal before Council is the result of extensive negotiation between the neighbors and the developer.

Mr. Earl highlighted provisions included in the proposals and stipulations agreed to by the developer to reduce the number of lots, increase open space, and construct a second point of access. Mr. Earl displayed schematics illustrating open space throughout Las Sendas and parcels reserved as building envelope lots

(high-quality custom lots) with deed restrictions to ensure density control by the residents (requires 2/3 vote by residents to allow such parcels to be reconsidered by Council).

Mr. Earl reported that 529 acres (28.7 percent of the total property) have been dedicated as open space and that 419 lots (21.8 percent of the total project) have been dedicated as building envelope lots, representing a 10- to 15-year supply of such sites. Mr. Earl stated that the current proposal reflects a reduction of more than 570 lots from the original plan and a decrease of approximately 70 lots from the agreement proposed in December 1997.

Mr. Earl expressed the opinion that the developer has expended considerable effort to achieve consensus among individuals both within and without the Las Sendas community.

William Puffer, 8330 East Thomas Road, representing the Spook Hill Homeowners' Association, stated that he is the owner of property adjacent to Parcel #19. Mr. Puffer indicated that a letter has been provided in support of the Las Sendas proposals. Mr. Puffer noted the numerous meetings between neighbors and the developer and expressed the opinion that the proposals represent an appropriate compromise. Mr. Puffer encouraged Council approval of the requests.

J. S. Seeman, 3714 North Hawes Road, Boardmember of the Spook Hill Homeowners' Association, outlined the goals of the Association and spoke concerning the extensive efforts to negotiate the proposals before Council. Mr. Seeman commended the City for encouraging developers to work with neighborhoods on pending land management issues but commented that much of the negotiation concerning Las Sendas would have been unnecessary had the City adhered to the Desert Uplands guidelines. Mr. Seeman encouraged the City to take action to avoid similar situations in the future and spoke in favor of additional discussion pertaining to the issue of "clustering" as a method to ensure the preservation of open spaces within developments.

Carol Owens, P.O. Box 1017, Apache Junction, representing the Spook Hill Homeowners' Association, spoke regarding the practice of land transfer credit and the importance of protecting areas such as the Desert Uplands. Ms. Owens encouraged reevaluation of the existing land transfer practice and indicated support for Council action exempting its use in existing protected areas. Ms. Owens noted the willingness of the Association to participate in discussions intended to improve the City's zoning process and tighten restrictions against desecration of the desert.

Lisa Hefner, 3060 North Ridgecrest, #58, commended Blandford Homes and the City for their efforts relative to Las Sendas. Ms. Hefner expressed appreciation for the amenities offered and the mix of homes and open space. Ms. Hefner encouraged efforts to construct custom homes and maintain Las Sendas as a prestigious development.

Clydene Gunnerson, 7425 East Mallory, owner of property adjacent to Parcel #49, related background information pertaining to negotiations between the developer and neighbors and encouraged Council support of the proposals submitted.

David Meyers, 3060 North Ridgecrest, Lot 202, expressed appreciation for the efforts of Blandford Homes and spoke in favor of the proposals before Council.

Fawn Finchum, 3430 North Mountain Ridge, #30, stated that she is a member of the committee which drafted the memo of understanding relative to Las Sendas. Ms. Finchum commended Blandford Homes for their efforts and requested that Council approve the zoning requests as presented. Ms. Finchum highlighted elements of the proposals, including a decrease in density and increase in open space, elimination of apartments, additional parks, maintenance of a school site, the addition of a community center, custom-designed roads, an additional entrance, housing diversity, donation of a community pool, building envelopes, and larger lots.

Mark Cormier, 3060 North Ridgecrest Drive, Lot 137, advised that he is a founding member of the committee which negotiated with the original developer and subsequently Blandford Homes. Mr. Cormier noted the extensive effort involved in developing the proposals before Council. Mr. Cormier expressed the opinion that the proposals will benefit Las Sendas in the long term and encouraged Council approval of the zoning requests.

John Davis, 3236 North Brighton, a residential and commercial contractor, stated the opinion that Blandford Homes is an exemplary contractor. Mr. Davis expressed appreciation for the input provided by the Spook Hill Homeowners' Association, the deed provisions, and the efforts of everyone involved in the Las Sendas negotiations. Mr. Davis said that he supports the proposals before Council.

Robin Getz, 3430 North Mountain Ridge, Lot 77, commented that she is proud of her neighborhood and the efforts of Blandford Homes in developing the proposals before Council.

It was moved by Councilmember Pomeroy, seconded by Councilmember Hawker, that Ordinance No. 3526 be adopted.

Councilmember Jaffa recognized the efforts of Blandford Homes but expressed substantial concerns relative to the proposals and the original plan envisioned for Las Sendas. Councilmember Jaffa noted the modification from apartments to townhomes/condominiums and spoke concerning the importance of balance and diversity, protection of the Desert Uplands, the mix of custom and production homes on different lot sizes, and proposed building envelopes. Councilmember Jaffa stated that Las Sendas appears to be developing as an upscale project but that most homes are production rather than custom homes.

Councilmember Jaffa commented that the development to date is not the development he envisioned and that the City is forfeiting an opportunity for custom homes constructed on 1+ acre lots. Councilmember Jaffa noted that the Blandford Homes sales office markets Blandford Homes, not custom homes. Councilmember Jaffa stated that Council is being asked to modify zoning to allow approximately three homes per acre for Parcels 4 and 19. Councilmember Jaffa expressed the opinion that any proposed increase in the number of lots is unacceptable and that the requests for Parcels 4 and 19 are premature.

Councilmember Jaffa cited comments previously expressed by Jeff Blandford relating to the importance of quality image and character and concern relating to higher densities. Councilmember Jaffa spoke in favor of an increased buffer when transitioning from high-density to low-density areas, increased diversity in housing, and guidelines to restrict opportunities for residential developers to change development plans. Councilmember Jaffa requested that the proposals be continued for an additional month while alternative plans are considered.

Mr. Earl commented that discussions concerning the Development Master Plan (DMP) have considered the DMP as a whole. Mr. Earl noted compromises between the neighbors and the developer. Mr. Earl commented that the DMP reflects a reduction of 577 units (approximately 70 in the last year). Mr. Earl spoke regarding the building envelopes and deed restrictions. Mr. Earl encouraged Council support of the proposals.

Councilmember Davidson expressed appreciation to Councilmember Jaffa for his efforts in updating Council concerning the Las Sendas proposals. Councilmember Davidson commented that the issues before Council may not represent optimum development but said that he is appreciative of elements such as preserving property for building envelope construction. Councilmember Davidson said that he will support the motion.

Councilmember Kavanaugh commended the efforts of the homeowners and developer in negotiating the proposals before Council. Councilmember Kavanaugh noted Councilmember Jaffa's concerns relative to

diversity and encouraged the appropriate mix of housing. Councilmember Kavanaugh commented that the proposals may not be optimum but represent an appropriate compromise to preserve the integrity of the area. Councilmember Kavanaugh encouraged efforts to ensure the development of custom-home sites.

Councilmember Hawker stated support for the project and the efforts of Blandford Homes. Councilmember Hawker spoke in favor of revegetation efforts and deed-restricted building envelope lots and expressed the opinion that Las Sendas will continue to evolve as an outstanding development.

Vice Mayor Giles shared Councilmember Jaffa's concerns relative to custom-home development but stated that he is satisfied with the safeguards proposed (e.g., deed-restricted lots).

Upon a tabulation of votes, it showed:

AYES - Davidson-Giles-Hawker-Kavanaugh-Pomeroy  
NAYS - Jaffa  
ABSENT - Brown

Vice Mayor Giles declared the motion carried by majority vote of those present and Ordinance No. 3526 adopted.

- \*p. **Z98-64** Parcel 6 at Las Sendas. Rezone from R1-90-DMP to R-2-PAD-DMP (11.2 acres). This case involves the future development of 90-unit townhome subdivision. Sonoran Desert Holdings, L.L.C. owner/applicant; represented by Proehl Development - Ordinance No. 3528.

P&Z Recommendations: Approval with conditions: (Vote 5-1; Whalen nay; Petrie absent).

1. Review and approval by the Planning and Zoning Board and City Council of future development plans;
2. Development of Parcel 6 is limited to a maximum of 90 units;
3. Compliance with all applicable 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 a 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; and
7. Compliance with all requirements of the Subdivision Technical Review Committee.

- \*q. **Z98-65** Parcel 9 at Las Sendas. Rezone from R1-90-DMP to R1-7-PAD-DMP (18.5 acres). This case involves the development of a 55-lot residential subdivision. Sonoran Desert Holdings, L.L.C. owner/applicant; represented by Proehl Development - Ordinance No. 3527.

P&Z Recommendations: Approval with conditions: (Vote 6-0; Petrie absent).

1. Compliance with the basic development as described in the project narrative and as shown on the preliminary plat except as noted below;
2. Deletion of two (2) lots between Lots 7 - 17 along the parcels' south boundary;
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. All street improvements and perimeter landscaping to be installed in the first phase of construction; and

7. Compliance with all requirements of the Subdivision Technical Review Committee.
- r. **Z98-66** Parcel 18 at Las Sendas. Rezone from R1-90-DMP to R1-7-PAD-DMP (11 acres). This case involves the future development of a 35-lot residential subdivision. Sonoran Desert Holdings, L.L.C. owner/applicant; represented by Proehl Development.

P&Z Recommendations: Approval with conditions: (Vote 6-0; Petrie absent).

1. Compliance with the basic development as described in the project narrative and as shown on the preliminary plat, except as noted below;
2. Reservation of this parcel as an elementary school site until 75 percent of homes are sold in Las Sendas and Las Sendas Mountain;
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. All street improvements and perimeter landscaping to be installed in the first phase of construction; and
7. Compliance with all requirements of the Subdivision Technical Review Committee.

(See Item 7f for additional voting on this issue.)

It was moved by Councilmember Pomeroy, seconded by Councilmember Hawker, that zoning request Z98-66 be approved.

Upon a tabulation of votes, it showed:

AYES - Davidson-Giles-Hawker-Kavanaugh-Pomeroy  
NAYS - Jaffa  
ABSENT - Brown

Vice Mayor Giles declared the motion carried by majority vote of those present.

- s. **Z98-67** Parcel 19 at Las Sendas. Rezone from R1-90-DMP to R1-15-PAD-DMP (119.2 acres). This case involves the development of a 141-lot residential subdivision. Sonoran Desert Holdings, L.L.C. owner/applicant; represented by Proehl Development - Ordinance No. 3519.

P&Z Recommendations: Approval with conditions: (Vote 6-0; Petrie absent).

1. Compliance with the basic development as described in the project narrative and as shown on the preliminary plat submitted, except as noted below;
2. Compliance with all applicable 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. All street improvements and perimeter landscaping to be installed in the first phase of construction; and
6. Compliance with all requirements of the Subdivision Technical Review Committee.

(See Item 12o for discussion of this item.)

It was moved by Councilmember Pomeroy, seconded by Councilmember Hawker, that Ordinance No. 3519 be adopted.

Upon a tabulation of votes, it showed:

AYES - Davidson-Giles-Hawker-Kavanaugh-Pomeroy  
NAYS - Jaffa  
ABSENT - Brown

Vice Mayor Giles declared the motion carried by majority vote of those present and Ordinance No. 3519 adopted.

- \*t. **Z98-68** Parcel 29 at Las Sendas. Rezone from R1-90-PAD-DMP to R1-9-PAD-DMP (46.7 acres). This case involves the development of a 95-lot residential subdivision. Sonoran Desert Holdings, L.L.C. owner/applicant; represented by Proehl Development - Ordinance No. 3520.

P&Z Recommendations: Approval with conditions: (Vote 6-0; Petrie absent).

1. Compliance with the basic development as described in the project narrative and as shown on the preliminary plat submitted, except as noted below;
2. Compliance with all applicable 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. All street improvements and perimeter landscaping to be installed in the first phase of construction; and
6. Compliance with all requirements of the Subdivision Technical Review Committee.

- \*u. **Z98-69** Parcels 30/32 at Las Sendas. Rezone from R1-90-DMP to R1-9-PAD-DMP (51.6 acres). This case involves the development of a 110-lot residential subdivision. Sonoran Desert Holdings, L.L.C. owner/applicant; represented by Proehl Development - Ordinance No. 3521.

P&Z Recommendations: Approval with conditions: (Vote 6-0; Petrie absent).

1. Compliance with the basic development as described in the project narrative and as shown on the preliminary plat submitted, except as noted below;
2. Compliance with all applicable 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. All street improvements and perimeter landscaping to be installed in the first phase of construction; and
6. Compliance with all requirements of the Subdivision Technical Review Committee.

- \*v. **Z98-70** Parcel 41 at Las Sendas. Rezone from R1-90-DMP to R-2-PAD-DMP (13+/- acres). This case involves the future development of 105-unit townhome subdivision. Sonoran Desert Holdings, L.L.C. owner/applicant; represented by Proehl Development - Ordinance No. 3522.

P&Z Recommendations: Approval with conditions: (Vote 6-0; Petrie absent).

1. Review and approval by the Planning and Zoning Board and City Council of future development plans;
2. Development of Parcel 41 is limited to a maximum of 105 units;
3. Compliance with all applicable 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. All street improvements and perimeter landscaping to be installed in the first phase of construction; and
  7. Compliance with all requirements of the Subdivision Technical Review Committee.
- w. **Z98-71** Parcels 45, 49, and 50 at Las Sendas. Rezone from R1-90-DMP to R1-7-PAD-DMP (59.16 acres). This case involves the development of a 194-lot residential subdivision. Sonoran Desert Holdings, L.L.C. owner/applicant; represented by Proehl Development.

P&Z Recommendations: Approval with conditions: (Vote 6-0; Petrie absent).

1. Compliance with the basic development as described in the project narrative and as shown on the preliminary plat, except as noted below;
2. Compliance with the conditions stated in the "Memorandum of Understandings" dated March 4, 1998;
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. 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. Compliance with the applicant's letters dated July 28, 1998 and July 29, 1998; and
9. The park and open space be developed as described in the project narrative.

(See Items 7g and 12o for additional discussion and voting on this item.)

It was moved by Councilmember Pomeroy, seconded by Councilmember Hawker, that zoning request Z98-71 be approved.

Upon a tabulation of votes, it showed:

AYES - Davidson-Giles-Hawker-Kavanaugh-Pomeroy  
NAYS - Jaffa  
ABSENT - Brown

Vice Mayor Giles declared the motion carried by majority vote of those present.

- \*x. **Z98-72** Parcels 47 and 48 at Las Sendas. Rezone from R1-90-DMP to R-2-PAD-DMP (20+/- acres). This case involves the future development of 160-unit townhome subdivision. Sonoran Desert Holdings, L.L.C. owner/applicant; represented by Proehl Development - Ordinance No. 3523.

P&Z Recommendations: Approval with conditions: (Vote 6-0; Petrie absent).

1. Review and approval by the Planning And Zoning Board and City Council of future development plans;
2. Compliance with the conditions stated in the "Memorandum of Understanding" dated March 4, 1998;
3. Development of Parcels 47 and 48 is limited to a maximum of 160 units;
4. Compliance with all applicable City development codes and regulations;

5. Compliance with all requirements of the Public Works Department (Engineering and Traffic Engineering, etc.);
6. Dedicate the right-of-way required under the Mesa City Code at the time of recordation of a subdivision plat or at the time of the City's request for dedication, whichever comes first;
7. All street improvements and perimeter landscaping to be installed in the first phase of construction; and
8. Compliance with all requirements of the Subdivision Technical Review Committee.

13. Consider the following subdivision plats.

- \*a. "ALTA MESA RESORT VILLAGE, A CONDOMINIUM" - The 5400 block of East McLellan Road (north side); 112 R-2-PAD-DMP condominium units (10.05 ac.). Northstar Contractors, Inc., developer; Allen Consulting Engineers, Inc., engineer.
- \*b. "MARBLE CREEK" - The 8700 block of East Brown Road (south side); 72 *Maricopa County* R-2-RUPD single-residence lots (9.54 ac.). Highland Ranch Construction Company, developer; David Evans and Associates, Inc., engineer.
- \*c. "FALCON RIDGE" - The 8900 through 9100 blocks of East Brown Road (south side); 41 *Maricopa County* R1-6-RUPD single-residence lots (20.64 ac.). Granite Capital Corporation, developer; David Evans and Associates, Inc., engineer.
- \*d. "ARIZONA RENAISSANCE" - The 11000 block of East Southern Avenue (north side); 184 R1-6-PAD single-residence lots (53.51 ac.). Kaufman & Broad of Arizona, Inc., developer; Carter & Burgess, Inc., engineer.
- \*e. "COTTAGE GROVE ESTATES" - The 100 block of North 22nd Place (east side); 136 R-2-PAD single-residence lots (15.025 ac.). 534694 Arizona Ltd., developer; Huit-Zollars, Inc., engineer.
- \*f. "ALBERTSON'S RED MOUNTAIN SHOPPING CENTER" - The 2700 block of North Power Road (east side); 5 C-2-DMP commercial lots (12.71 ac.). LDR-McDowell, L.L.C., developer; CMX Group Inc., engineer.
- \*g. "CRISMON MANOR" - The 9800 block of East Southern Avenue (north side); 166 R1-6-PAD single-residence lots (26.82 ac.). Maracay Crismon, L.L.C., developer; Infinity Engineering Services, Ltd., engineer.
- \*h. "MAP OF DEDICATION FOR CRESCENT RUN" - The 8500 block of East Southern Avenue (north side). Crescent Run Limited Partnership, developer; Z & H Engineering, Inc., engineer.

14. Adjournment.

Without objection, the Regular Council Meeting adjourned at 8:55 p.m.

Carried unanimously.

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JOHN GILES, VICE MAYOR

ATTEST:

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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 31st day of August 1998. I further certify that the meeting was duly called and held and that a quorum was present.

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

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BARBARA JONES, CITY CLERK