

# COUNCIL MINUTES

March 16, 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 March 16, 1998 at 5:45 p.m.

**COUNCIL PRESENT**

Mayor Wayne Brown  
Pat Gilbert  
John Giles  
Dennis Kavanaugh  
Joan Payne  
Wayne Pomeroy  
Claudia Walters

**COUNCIL ABSENT**

None  
  
POLICE OFFICER  
PRESENT  
  
Roy Dunkelbarger

**OFFICERS PRESENT**

C.K. Luster  
Neal Beets  
Barbara Jones

Invocation by Pastor Roger A. Thompson, Spirit of Joy Lutheran Church.

Pledge of Allegiance by Christina Chavez of Girl Scout Troop #778 and Marisa Chavez of Girl Scout Troop #528.

1. Approval of minutes of previous meetings as written.

It was moved by Councilmember Giles, seconded by Councilmember Pomeroy, that the minutes of January 27; February 12, 20, and 27; and March 2, 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 Councilmember Giles, seconded by Vice Mayor Gilbert, that the consent agenda items be approved.

Carried unanimously.

3. Conduct a public hearing.

- a. Proposed CDBG/HOME/ESG projects (Community Development Block Grant, HOME Investment Partnerships Program, Emergency Shelter Grant) for fiscal year 1998-1999 funding.

Mayor Brown announced that this is the time and place for a public hearing regarding the proposed fiscal year 1998-1999 Community Development Block Grant (CDBG), HOME Investment Partnerships, and Emergency Shelter Grant projects.

John Smith, 251 West Main, representing Housing For Mesa, thanked Council and staff for their support during the past 10 years. Mr. Smith explained that Housing For Mesa has helped provide home ownership to several low-income individuals and families.

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

Mayor Brown thanked Mr. Smith for his input.

4. Consider the following liquor license applications.

- \*a. KATHY A. LANGDON, EXECUTIVE DIRECTOR

Special event license application of Kathy A. Langdon, Executive Director, Gilbert Chamber of Commerce, a one-day civic event to be held Saturday, April 4, 1998 from 6 p.m. to 12 Midnight, at 6001 East Power Road, Williams Campus Union.

- \*b. HENRY FENG, AGENT

New restaurant license for Kwan's Sampan, 1927 North Gilbert Road, #14. The restaurant license previously held at this location by Sampan, Inc., Kam Tim Yee, Agent, will revert back to the State.

5. Consider the following contracts.

- \*a. Purchase or reconfiguration of 26 modular employee workstations for the Neighborhood and Community Assistance Office, Engineering Design, Public Works Administration and Street Maintenance as requested by the Public Works Department.

The Purchasing Division recommends authorizing purchase from the State of Arizona contract with Goodman's Inc. at \$48,921.83 including materials, design services, delivery, installation and applicable sales tax.

- \*b. Annual supply contract for pavement striping powder for warehouse inventory to be used by the Traffic and Streets Division for striping City streets.

The Purchasing Division recommends accepting the low bid meeting specification, Cataphote, Inc. at \$56,840.00 plus 5% use tax of \$2,842.00 for a total award of \$59,682.00 based on estimated requirements.

- \*c. Annual supply contract for 3/4" gas regulators for warehouse inventory to be used by the Utility Service Division.

The Purchasing Division recommends accepting the low bid by Schlumberger at \$35,595.00 plus 5% use tax of \$1,779.75 for a total of \$37,374.75.

- \*d. SCADA (Supervisory Control and Data Acquisition) system software for use at the Northwest Water Reclamation Plant as requested by Utility Operations.

The Purchasing Division recommends accepting the bid by Summit Electric Supply at \$10,880.00 plus 6.80% sales tax of \$739.84 for a total of \$11,619.84.

- \*e. Annual supply contract for white bond paper for warehouse inventory to be used by various City Departments.

The Purchasing Division recommends authorizing purchase from the State of Arizona contract with Spicers Paper Inc. at \$72,360.00 plus 6.80% sales tax of \$4,920.48 for a total of \$77,280.40.

- \*f. Training and duty ammunition as requested by the Police Department.

The Purchasing Division recommends accepting the low bids as follows:

Items 1-4 to C & G Police Supply at \$16,248.65 plus 5% use tax of \$812.43 for a total of \$17,061.08;

Items 5-13 to San Diego Police Equipment Company at \$23,655.70 plus 5% use tax of \$1,182.78 for a total of \$24,838.48; and

Items 14-16 to Adamson Industries at \$35,175.10 plus 5% use tax of \$1,758.75 for a total of \$36,933.85. The combined award is then \$78,833.41.

- \*g. One protocol analyzer used to support automatic vehicle location and mobile computer terminals as requested by the Communications Division.

The Purchasing Division recommends authorizing purchase from the State of Arizona contract with Integrity Networking Systems at \$12,895.00 plus 7% sales tax of \$902.65 for a total of \$13,797.65.

- \*h. Nine modular workstations for Management Services Administration employees.

The Purchasing Division recommends authorizing purchase from the State of Arizona contract with Goodman's Inc. at \$18,788.37 including materials, design services, delivery, installation and applicable sales tax.

- \*i. Electrical upgrades at City Wells Number 11, 15 and 16.

This project involves the replacement of the electrical equipment serving three existing City Water Wells.

Recommend award to low bidder, Commonwealth Electric Company of the Midwest, in the amount of \$189,400.00.

- \*j. Emergency Gas Treatment System at the C.A.P. Water Treatment Plant.

Recommend award to low bidder, Hunter Contracting Company, in the amount of \$149,200.00.

- \*k. Aerial Mapping of the City.

This project involves acquiring current aerial photographs of the entire City of Mesa.

Recommend award to low bidder, Kenney Aerial Mapping, Inc., in the amount of \$60,632.08.

- 1. Southern Avenue Drainage Improvements from Hawes Road to Sossaman Road.

This project involves the construction of a box culvert to replace an existing, deteriorated concrete lined channel.

Recommend all bids be rejected and the project be rebid.

It was moved by Councilmember Walters, seconded by Councilmember Pomeroy, that staff's recommendation to reject all bids be approved.

Max Taddei, 1105 West Fairway Drive, representing Hunter Contracting Co., requested that Council award the contract to the low bidder, Hunter Contracting Co. Mr. Taddei stated the opinion that drainage improvements will be necessary to complete the widening of Southern Avenue and noted that a delay in awarding the contract could create an increase in the cost of the improvements.

Upon tabulation of votes, it showed:

AYES - Brown-Gilbert-Giles-Payne-Pomeroy-Walters

NAYS - Kavanaugh

Mayor Brown declared the motion carried by majority vote.

- \*m. City Plaza Remodel, Phase IV (2nd Floor, 8th Floor and Penthouse)

This project involves remodeling portions of the second and eighth floors and refurbishment of the exterior of the City Plaza Building No. 96-01.8.

Recommend award to low bidder W. Johnson Contracting in the amount of \$794,700.00, for base bid plus alternates 1 and 2.

6. Introduction of the following ordinances and setting April 6, 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. Amending Section 8-3-14 of the Mesa City Code, Solid Waste Permit Application.
- \*b. Relating to City Departments and Officers; amending Title 3, Mesa City Code, by repealing Chapter 10, and amending Sections 3-3-3, 3-9-3, and 1-17-2, Mesa City Code.

7. Consider the following resolutions.

- \*a. Extinguishing a portion of an easement for public utilities located at 2926 South Revere Circle - Resolution No. 7167.

Easement is no longer needed.

- \*b. Authorizing the City Attorney to institute proceedings to acquire title or other interest in the name of the City of Mesa through Eminent Domain to certain real property necessary for improving both sides of Gilbert Road between Hampton Avenue and the Consolidated Canal, and various parcels of land along both sides of Southern Avenue, Broadway Road and Main Street, east and west of Gilbert Road - Resolution No. 7168.

- \*c. Extinguishing a portion of an easement for public utilities and irrigation at 2540 East Jensen Circle - Resolution No. 7169.

Easement is no longer needed.

8. Consider the following ordinances.

- \*a. Prohibiting parking on the west side of 48th Street from a point 160 feet south of Main Street to a point 1,142 feet south of Main Street and from a point 1,474 feet south of Main Street to Broadway, on Medina Avenue from Alma School Road to a point 275 feet east of Alma School Road, on the north side of Emelita Avenue from a point 300 feet west of Sycamore to a point 625 feet west of Sycamore, and on the north side of Emelita Avenue from a point 745 feet west of Sycamore to a point 900 feet west of Sycamore; prohibiting parking from 10 p.m. to 4 a.m. on the west side

of Fraser Drive from Impala Avenue to Javelina Avenue, on the east side of Fraser Drive from Impala Avenue to a point 240 feet south of Juanita Avenue, on the south side of Javelina Avenue from Solomon to Horne, on the north side of Javelina Avenue from Solomon to a point 204 feet east of Fraser Drive, and on the north side of Javelina Avenue from Fraser Drive to Horne; including Sericin from McDowell Road to Preston Street in Section 10-3-17 of the Mesa City Code "Special Stops Required" and increasing the speed limit from 35 mph to 40 mph on Eighth Street from Decatur Street to the west City limits as recommended by the Traffic Safety Committee - Ordinance No. 3446.

- b. Code Amendment: Pertaining to the Zoning Ordinance and the building regulations of the Mesa City Code, amending Title 11, Chapter 13, Section 2 regarding swimming pool enclosures; and adopting a new Chapter 7 of Title 4.

Councilmember Giles noted the importance of enacting the safest pool fence ordinance possible and expressed the opinion that additional research should be conducted prior to voting on this item.

It was moved by Councilmember Giles, seconded by Councilmember Kavanaugh, that agenda Item 8b be continued for 30 days.

Vice Mayor Gilbert expressed support for the proposed amendments to the pool fence ordinance and requested that Fire Chief Dennis Compton provide Council with a brief overview of the proposal.

Chief Compton informed Council that the Fire Department supports the option of self-closing/self-latching doors for residences containing a swimming pool. Chief Compton noted the importance of isolating a pool from children and expressed the opinion that the door would create a substantial barrier to a pool.

Vice Mayor Gilbert questioned the proposed time frame for continuance. Chief Compton stated that 30 days would provide staff sufficient time to obtain additional information regarding safety devices that may assist in isolating a pool.

In response to a question from Councilmember Giles, Chief Compton advised that he is a member of the Drowning Coalition and has been their spokesperson for the past two years. Chief Compton noted that expertise regarding safety devices is available within the City of Mesa and from outside sources.

In response to questions from Mayor Brown, Chief Compton expressed the opinion that self-closing/self-latching doors would provide a substantial barrier to a pool and stated that he does not anticipate improved technology in safety devices within the next 30 days.

Mayor Brown expressed the opinion that safety devices have been sufficiently studied and indicated support for the proposed amendment.

In response to a question from Councilmember Walters, Chief Compton expressed the opinion that a screen door does not provide a substantial barrier to a pool area and noted opposition to the utilization of screen doors as a safety device.

Councilmember Pomeroy expressed support for the motion to continue Item 8b for 30 days.

Councilmember Walters indicated support for the proposed amendment to the pool fence ordinance but noted agreement to a continuance of the issue for 30 days.

Vice Mayor Gilbert expressed support for the proposed amendment to the pool fence ordinance but stated his agreement to continue the item for 30 days to provide adequate time to review the proposal and gain sufficient support for the amendment.

Upon tabulation of votes, it showed:

AYES - Brown-Gilbert-Giles-Kavanaugh-Pomeroy-Walters

NAYS - Payne

Mayor Brown declared the motion carried by majority vote.

9. Consider the following item as recommended by the Museum and Cultural Advisory Board.

- \*a. Approve adopting the proposed fee increases for Visual Arts classes and for Mesa Arts Center Theatre room rentals.

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

- \*a. **297-97** The 1500 block of South Alma School Road (east side). Site Plan Review (1± acre). This case involves the development of an athletic shoe store. GMRI, Inc., owner; Beus, Morrill, Deavitt, applicant. **CONTINUED FROM THE FEBRUARY 17, 1998 REGULAR COUNCIL MEETING. A 3/4 VOTE IS REQUIRED TO APPROVE THIS REQUEST. THE APPLICANT IS REQUESTING THIS CASE BE CONTINUED TO THE APRIL 20, 1998 REGULAR COUNCIL MEETING.**

P & Z Recommendation: Approval with Conditions (Vote 4-2, Shipley and Kathe nay).

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.
- b. **297-99** 2704 East McKellips Road. Rezone from R1-9 to C-2 (1± acre). This case involves development of an Auto Zone. Auto Zone, owner; Curtis Howell, Architect, applicant - Ordinance No. 3449.

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

1. Compliance with the basic development as shown on the site plan and elevations submitted except as noted below;
2. Compliance with all requirements of the Public Works Department (Engineering and Traffic Engineering, etc.);
3. Dedicate the right-of-way required under the Mesa City Code at the time of application for a building permit, or at the time of the City's request for dedication, whichever comes first;
4. Compliance with all requirements of the Design Review Board; and
5. Approval of the Auto Zone contingent upon approval of case Z98-7.

In response to questions from Vice Mayor Gilbert, Earl Grubbs, 60 Madison Avenue, representing Auto Zone, informed Council that Auto Zone anticipates obtaining ownership of the property on March 31, 1998. Mr. Grubbs stated that the rear portion of the property would be developed after the completion of the proposed Auto Zone. Mr. Grubbs informed Council that Auto Zone has been approached by various developers regarding the rear portion of the property.

It was moved by Councilmember Pomeroy, seconded by Councilmember Giles, that Ordinance No. 3449, governing Zoning Case Z97-99 be approved.

Vice Mayor Gilbert indicated support for the motion in anticipation of the approval of Zoning Case Z98-7 and the applicant's commitment to proceed with the development of the rear portion of the property as outlined in Zoning Case Z98-7 upon the completion of the Auto Zone store.

Carried unanimously.

- c. **Z98-7** The 2700 block of East McKellips Road (north side). Rezone from R1-9 to C-2 (6± acres). This case involves development of an office building and mini storage. J. Reed Howard, owner; Auto Zone, Inc., applicant - Ordinance No. 3450.

P & Z Recommendation: Approval with Conditions (Vote 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. Dedicate the right-of-way required under the Mesa City Code at the time of application for a building permit, or at the time of the City's request for dedication, whichever comes first;
5. All street improvements and perimeter landscaping to be installed in the first phase of construction; and
6. Compliance with all requirements of the Design Review Board.

Russell Phelps, 2034 North Lindsay, spoke of the zoning process when the City of Mesa annexed the area and expressed opposition to the current request to rezone the rear portion of the property to commercial.

In response to a question from Vice Mayor Gilbert, Earl Grubbs, 60 Madison Avenue, representing Auto Zone, explained that Auto Zone is willing to commit to the development of a 10' landscaping strip between the mini storage facility and the barrier walls located on the western and northern boundaries of the property. Mr. Grubbs added that Auto Zone will modify the eastern section of the mini storage facility to allow for a 10' landscaping buffer on the eastern portion of the property. Mr. Grubbs stated agreement to include a condition that would provide guidance to the developer of the mini storage facility regarding Council's expectations that the developer will participate in the Crime-Free Mini Storage Facility program.

Vice Mayor Gilbert indicated support for the project relative to the commitments made by Auto Zone and their ability to work with the future developer to provide an acceptable mini storage facility.

Councilmember Giles commended the applicant for their diligence in working with staff but expressed concern relative to the fact that the front and rear portions of the property are being presented for Council consideration as two separate zoning cases even though the rear portion of the property will not be developed for several years. Councilmember Giles stated opposition to the approval of the zoning case.

Mayor Brown concurred with Vice Mayor Gilbert and expressed support for the zoning case.

Mr. Grubbs advised Council that Auto Zone anticipates the rear portion of the property to remain undeveloped for approximately 1 1/2 years prior to Auto Zone selling the property to a developer. Mr. Grubbs assured Council that the property would be constructed in accordance with the stipulations.

It was moved by Councilmember Pomeroy, seconded by Vice Mayor Gilbert, that Ordinance No. 3450, governing Zoning Case Z98-7 be approved.

Upon tabulation of votes, it showed:

AYES - Brown-Gilbert-Kavanaugh-Payne-Pomeroy-Walters  
NAYS - Giles

Mayor Brown declared the motion carried by majority vote and Ordinance No. 3450 adopted.

- \*d. **297-104** The 6000 block of East Brown Road (north side). Site Plan Modification (4± acres). This case involves the development of a strip commercial center and athletic club. Aaron Associates, owner; Design Management, applicant. **THIS CASE WAS REFERRED BACK TO THE PLANNING AND ZONING BOARD FROM THE JANUARY 20, 1998 REGULAR COUNCIL MEETING** - Ordinance No. 3447.

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

1. Compliance with the basic development as shown on the site plan and elevations submitted, except as noted below;
2. Compliance with all 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. Compliance with all requirements of the Subdivision Technical Review Committee;
  6. Recordation of cross-access and reciprocal parking easements; and
  7. Compliance with all requirements of the Design Review Board.
- e. **Z98-2** The 5400 block of East McLellan Road (north side). Rezone from R-4-DMP to R-2-PAD-DMP (10± acres). This case involves the development of a 112-unit condominium subdivision. Mirage Homes, owner; Beus, Gilbert, Deavitt, applicant. **A 3/4 VOTE IS REQUIRED TO APPROVE THIS REQUEST** - Ordinance No. 3451.

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

1. Compliance with the basic development as described in the project narrative and as shown on the preliminary plat, 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. Compliance with all requirements of the Subdivision Technical Review Committee;
4. 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);
5. Written notice be provided to future residents, and acknowledgment received that the project is within one mile of Falcon Field Airport;
6. Noise attenuation measures be incorporated into the design and construction of the homes to achieve a noise level reduction of 25 db; and
7. Compliance with the letter dated February 6, 1998.

Jason Morris, attorney for Beus, Gilbert & Morrill, P.L.L.C., representing the applicant, briefly described the proposed development. Mr. Morris explained that the applicant has received support from the majority of the neighbors but noted that opposition has been expressed by neighbors located south of the project regarding the construction of 2-story units.

Spencer Krueger, Chairman of Citizens Against Rezoning Alta Mesa, stated support for the proposed development. Mr. Krueger informed Council that discussions between the applicant and the neighbors were productive and that compromises were met by both parties.

Councilmember Kavanaugh commended the applicant and the neighbors for working together to reach a compromise. Councilmember Kavanaugh expressed the opinion that the development will be an asset to the community.

It was moved by Councilmember Walters, seconded by Councilmember Kavanaugh, that Ordinance No. 3451, governing Zoning Case Z98-2 be approved.

Carried unanimously.

- \*f. **Z98-8** Parcels 8 through 14 of "Parkwood Ranch." Rezone from R1-9-DMP to R1-9-PAD, R1-7, R1-6 and R1-6-PAD with a DMP overlay (161± acres). This case involves the establishment of zoning for the parcels in the second phase of "Parkwood Ranch". Communities Southwest, owner; DEI Professional Services, applicant - Ordinance No. 3448.

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

1. Compliance with the basic development as described in the original project narrative (Z96-35) and as shown on the site plan, preliminary plat 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 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; and
  5. Administrative approval required for all building products.
- g. **Z98-11** The 5400 block of East Southern Avenue (north side). Rezone from R1-7 (Conceptual O-S) to O-S (4± acres). This case involves the development of an office complex. David Rothberg owner/applicant - Ordinance No. 3453.

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

1. Compliance with the basic development as shown on the site plan and elevations submitted, except as noted below;
2. Compliance with all 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. Compliance with all requirements of the Subdivision Technical Review Committee; and
6. Compliance with all requirements of the Design Review Board.

Luule Brandofino, 61 South Macdonald, expressed concern regarding the high-volume of traffic on Southern Avenue that has recently been created relative to the increase in residential neighborhoods and office buildings. Ms. Brandofino requested that Council consider installing an additional stop light on Southern Avenue between Higley Road and Power Road.

It was moved by Councilmember Giles, seconded by Vice Mayor Gilbert, that Ordinance No. 3453, governing Zoning Case Z98-11 be approved.

Carried unanimously.

- h. **Z98-12** The northwest corner of Elliot Road and Meridian Road. Rezone from AG to R1-7, R1-6, and R1-6-PAD as part of a DMP (160± acres). This case involves the development of a single-residence development master plan. LKY Development, owner; Coe and Van Loo, applicant - Ordinance No. 3452.

P & Z Recommendation: Approval with Conditions (Vote 4-3, Shipley, Brock and Whalen nay).

1. Compliance with the basic development as shown on the site plan and plat as described in the project narrative except as noted below;
2. Compliance with all City development codes and regulations;
3. Compliance with all requirements of the Public Works Department (Engineering and Traffic Engineering, etc.);
4. Dedicate the right-of-way required under the Mesa City Code at the time of recordation of the subdivision plat, or at the time of the City's request for dedication, whichever comes first;
5. 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);
6. Written notice be provided to future residents, and acknowledgment received that the project is within 2½ miles of Williams Gateway Airport;
7. Noise attenuation measures be incorporated into the design and construction of the homes to achieve a noise level reduction of 25 db;
8. Deletion of 4 lots in Parcels A and B north of the retention/open space area;
9. Provide a separate open space area designed for active recreation within Parcel D;
10. Compliance with the Residential Development Guidelines;
11. Compliance with the letter dated February 19, 1998 from Ralph Pew; and
12. Provide internal street connections between Parcels A, B and Parcels C, D to comply with City of Mesa and U.S. Corp. of Engineers requirements.

Ralph Pew, 10 West Main, attorney for the applicant, showed a map of the proposed development and referred to a memo dated March 12, 1998. Mr. Pew briefly outlined the surrounding properties and highlighted changes to the preliminary map. Mr. Pew informed Council that one of the roads in the development will be built through a wash and requested assistance from staff on the proper procedure to develop the road.

Councilmember Kavanaugh expressed concern regarding the protection of wildlife in washes. Councilmember Kavanaugh requested that Council develop guidelines for the treatment and care of washes and the wildlife.

In response to a question from Vice Mayor Gilbert, Mr. Pew advised that the wash will be utilized as an amenity to the development.

In response to a question from Councilmember Giles, Mr. Pew explained that returning the case to the Planning and Zoning Board would create difficulties for the builders that are prepared to proceed with the project. Mr. Pew emphasized that the changes to the preliminary map were requested by the Planning and Zoning Board.

It was moved by Councilmember Giles that agenda Item 10h be referred back to the Planning and Zoning Board for further consideration.

Mayor Brown stated that the motion failed due to the lack of a second.

It was moved by Councilmember Walters, seconded by Councilmember Pomeroy, that Ordinance No. 3452, governing Zoning Case Z98-12, be approved, including the items from the memo dated March 12, 1998 from Planner II Dorothy Chimel.

Upon tabulation of votes, it showed:

AYES - Brown-Gilbert-Kavanaugh-Payne-Pomeroy-Walters  
NAYS - Giles

Mayor Brown declared the motion carried by majority vote, and Ordinance No. 3452 adopted.

\*11. Deleted.

12. Adjournment.

It was moved by Councilmember Walters, seconded by Councilmember Pomeroy, that the Regular Council Meeting adjourn at 7:25 p.m.

Carried unanimously.

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WAYNE BROWN, 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 16th day of March 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