

COUNCIL MINUTES

November 18, 1996

The City Council of the City of Mesa met in a Regular Council Meeting in the Council Chambers, 57 East 1st Street, on November 18, 1996 at 5:47 p.m.

COUNCIL PRESENT

Mayor Wayne Brown
Pat Gilbert
John Giles
Dennis Kavanaugh
Wayne Pomeroy
Jim Stapley

COUNCIL ABSENT

Joan Payne

POLICE OFFICER PRESENT

Scott Martin

OFFICERS PRESENT

C.K. Luster
Neal Beets
Barbara Jones

The Invocation was given by Pastor Daniel A. Turner, Red Mountain United Methodist Church.

The Pledge of Allegiance was led by Michael Tanner, Troop #541.

Mayor Brown excused Councilmember Payne from the meeting.

1. Approval of minutes of previous meetings as written.

It was moved by Councilmember Stapley, seconded by Councilmember Pomeroy, that the minutes of November 1, 4, 7, and 8, 1996 be approved.

A tabulation of votes showed 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 Pomeroy, seconded by Councilmember Kavanaugh, that the consent agenda items be approved.

A tabulation of votes showed the motion carried unanimously by those present.

3. Consider the following liquor license applications.

*a. KIM K. KWIATKOWSKI, AGENT

New beer and wine store license for Circle K #PH344, 3555 South Power Road. This is a new business; no previous liquor licenses at this location.

*b. ROBERT FERRARO, AGENT

New beer and wine store license for On the Run KBO, 1945 South Stapley Road. This is an existing business; no previous liquor licenses at this location.

*c. CHARLES LINN FARGUSON, AGENT

New restaurant license for Big Fred's Pizza & Grille, 5943 East McKellips Road, #102. This is a new business; no previous liquor licenses at this location.

4. Consider the following contracts.

*a. Two replacement Ransomes E-Plex triplex greens mowers as requested by the Golf Course.

Council is requested to authorize purchase from the State of Arizona contract with Bingham Equipment Company at \$29,164.00 plus 5.75% sales tax of \$1,676.93 for a total of \$30,840.93.

*b. One-year renewal of the annual supply contract for 18 GHz digital microwave equipment as requested by the Communications Division.

The Purchasing Division recommends exercising the first of two 1-year renewal options with the original lowest overall bid by Alcatel at \$183,492.00 plus 5.0% use tax of \$9,174.60 for a total of \$192,666.60.

*c. Four replacement data recording calibrators as requested by the Utility Operations Division.

The Purchasing Division recommends accepting the low bid by Metermaster at \$11,040.00 plus 6.95% sales tax of \$767.28 for a total of \$11,807.28.

*d. Property and liability insurance coverage for the City to be effective from November 22, 1996 through November 21, 1997 as requested by the Risk Management section of the City Attorney's Office.

The City Attorney's Office recommends accepting the lowest priced proposals meeting specification as follows:

Using Arthur J. Gallagher & Co. as broker, based on confirmation that coverages will match or improve on our current insurance;

\$10 million in liability insurance, with a \$500,000 deductible, from the United States Fidelity and Guaranty Co. at an initial annual premium of \$307,500.00; and

\$200 million in property insurance, with a \$50,000 deductible, from the Hartford Insurance Company at an initial annual premium of \$59,286.00.

The combined award is \$366,786.00. Arthur J. Gallagher & Co. as broker will be responsible for managing our coverage and negotiating renewal policies for the next three years.

- *e. Mesa Drive and 8th Street storm drain and turf irrigation system and racquetball courts.

This project will construct new racquetball courts, a new turf irrigation system, and storm water drainage improvements, including a new retention basin, for Fitch Park at the southwest corner of East 8th Street and North Mesa Drive.

Recommend award to low bidder, Wellington West, Inc., in the amount of \$359,709.94.

- *f. City Well No. 25.

This project will equip City Well No. 25. (7th Street and Alma School Road). Improvements include one deep well pump, electrical layout, and pump piping.

Recommend award to low bidder, Felix Construction Company, in the amount of \$182,600.00.

5. Introduce/reintroduce the following ordinances and setting December 2, 1996 as the date for the public hearing on these ordinances.

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

- *a. **Z96-85** The northwest corner of Pueblo Avenue and Crismon Road. Rezone from R1-43 to R1-6-PAD (17.15 acres). This case involves the development of a single-residence subdivision. Noretta Williams Trust, owner; Metropolitan Land Co., applicant.
- *b. Relating to the privilege license tax; adopting "The 1996 Amendments to the City Tax Code of the City of Mesa, Arizona," including a "Taxpayer Bill of Rights" by reference; establishing an effective date and providing penalties for violations.
- *c. Pertaining to traffic safety; amending Title 10, Chapter 3 by adding a new Section 19(I); prohibiting soliciting and distributing by pedestrians from roadways and traffic medians as recommended by the Police Committee.

- *d. Pertaining to recreational activities; amending Title 6, Chapter 10 by adding a new Section 3(H); regulating participation in archery in City parks and retention basin areas as recommended by the Police Committee.

6. Consider the following utility ordinance and resolution.

- *a. Modifying the Terms and Conditions for the sale of utilities to modify deposit requirements for commercial accounts - Ordinance No. 3264 and Resolution No. 6965.

7. Consider the following resolutions.

- *a. Authorizing the City Manager to execute documents to acquire property at 421 West 10th Street on behalf of Mesa ARC - Resolution No. 6966.
- *b. Authorizing the City Manager to execute an agreement between the City of Mesa and Mesa Unified School District #44 for the funding for the Safe Schools Program - Resolution. No. 6967.
- *c. Authorizing the City Manager to execute an intergovernmental agreement between the City of Mesa and the State of Arizona for a project to improve the City's traffic signal control system - Resolution No. 6968.

*7.1. Consider authorizing an additional traffic motorcycle squad for the Police Department as recommended by the Police Committee.

8. Consider the follow cases from the Planning and Zoning Board and possible adoption of the corresponding ordinances.

- *a. **Z96-64** The southwest corner of Brown Road and Greenfield Road. Rezone from AG to R1-15 (17 +/- acres). This involves a proposed 28-lot single-residence subdivision. US Development, owner; Ralph Pew, applicant. **A 3/4 VOTE IS REQUIRED TO APPROVE THE APPLICANT'S REQUEST. THE APPLICANT HAS REQUESTED THAT THIS CASE BE CONTINUED.**

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

1. Compliance with the basic development as shown on the preliminary plat submitted, including deletion of Lot #19, 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. Dedication of 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 letter dated October 17, 1996 from Ralph Pew;

8. 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;
9. Notice be provided to future residents that the project is within two miles of Falcon Field Airport; and
10. Noise-attenuation measures be incorporated into the design and construction of the homes to achieve a noise level reduction to 65 Ldn.

- *b. **Z96-86** The northwest corner of Guadalupe Road and Ellsworth Road. Rezone from AG-DMP to R1-6-PAD and C-2 (75± acres). This case involves a residential subdivision containing 203± lots and a future commercial tract. PHS Mortgage, Inc., owner; Ryland Homes, applicant. **THE APPLICANT HAS REQUESTED THAT THIS CASE BE WITHDRAWN.**

P&Z Recommendation: Denial (vote 7-0).

- *c. **Z96-88** The southwest corner of East McKellips Road and North Rosemont. Rezone from M-1 to M-2 (7± acres). This case involves an industrial facility that will produce prefab cement walls. Stacy Brimhall, owner; Corey Smith, applicant – Ordinance No. 3265.

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. Dedication of the right-of-way required under the Mesa City Code at the time of application for a building permit or at the time of the City's request for dedication, whichever comes first;
4. Compliance with all requirements of the Design Review Board;
5. Compliance with the project narrative submitted; and
6. Owner granting an Avigation Easement and Release to the City pertaining to Falcon Field, which will be prepared and recorded by the City (prior to the issuance of a building permit).

- *d. **Z96-89** The 10900 block of East Pecos Road north side. Rezone from AG to M-2 (5± acres). This case involves a propane storage facility. Arizona Nazarene Lands Inc., owner; Martin L. Dawson, Jr., applicant - Ordinance No. 3266.

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. Dedication of 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 the project narrative; and

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).
- e. **Z96-90** The southeast corner of North Pasadena Avenue and East Leland Street. Rezone from R1-43 to R1-9 (3.69 acres). This case involves the development of a 12-lot subdivision. Allied Concrete & Material, owner; D & M Engineering, applicant. **A ¾ VOTE IS REQUIRED TO APPROVE THE APPLICANT'S REQUEST** – Ordinance No. 3269.

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

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

Dan Coen, representing the applicant, presented background information concerning the case, advising that the request before Council is the second phase of a two-part project known respectively as Lehi Shadows I and II. Mr. Coen noted that the Planning and Zoning Board has unanimously recommended approval of the development, subject to various conditions, all of which are acceptable to the applicant.

Mr. Coen reported that due to the unique nature of the subdivision and location, the applicant is additionally requesting permission to allow modified animal privileges of two small animals (goats, sheep, etc.) per lot. Mr. Coen stated that such a provision would be in keeping with the Covenants, Conditions, and Restrictions (CC&R's) for Lehi Shadows I.

Mr. Coen displayed diagrams of the current layout of Lehi Shadows I and the proposed layout of Lehi Shadows II. Mr. Coen spoke concerning the development of Lehi Shadows I and expressed the opinion that Lehi Shadows II is compatible with surrounding neighborhoods.

In response to a question from Vice Mayor Gilbert, Community Development Manager Wayne Balmer advised that zoning requests apply to land and not necessarily to animals kept on the property. Mr. Balmer commented that the applicant's request pertaining to small animals could be incorporated into Condition #5, which stipulates compliance with all requirements of the Subdivision Technical Review Committee.

Mr. Coen related comments expressed at meetings held with surrounding neighbors. Mr. Coen said that it is his understanding that at the time Lehi Shadows I was developed, neighbors indicated that they would not protest Lehi Shadows II if subject to the same conditions as Lehi Shadows I. Mr. Coen stated that a protest has, however, been filed relative to Lehi Shadows II.

Mr. Coen reported that the proposed development is in accordance with the City's General Plan designation for the area and represents an appropriate transition between adjacent neighborhoods.

Mr. Balmer briefly responded to questions from Vice Mayor Gilbert relative to street layout.

It was moved by Councilmember Kavanaugh, seconded by Councilmember Stapley, that Ordinance No. 3269 be adopted.

A tabulation of votes showed the motion carried unanimously by those present.

- *f. **Z96-91** 517 South LeBaron. Rezone from R-2 to M-1 (1± acre). This case involves conversion of a single residence to a construction office. Skill Construction, Inc., owner/applicant - Ordinance No. 3267.

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

- *g. **Z96-92** 1225 North Gilbert Road. Rezone from O-S to C-1(1± acre). This case involves the expansion of an existing beauty salon. Mark W. Mabry, owner/applicant-Ordinance No. 3268.

P&Z Recommendation: Approval with conditions (vote 5-0, with 2 abstentions).

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

- *h. **Z96-93** 2424 East Southern Avenue. Site Plan Modification (1.8 acres). This case involves the expansion of an approved dental building. Dr. Franklin Little, DDS, owner; Dr. Scott LeSueur, DDS, applicant. **THE APPLICANT HAS REQUESTED THAT THIS CASE BE WITHDRAWN.**

P&Z Recommendation: Denial (vote 7-0).

9. Consider the following subdivision plat.

- *a. "DESERT VISTAS UNIT 1 AT LAS SENDAS" - The 3200 block of North Red Mountain (east side); 55 R1-9-PAD-DMP single-residence lots (18.22 acres). Sonoran Desert Holdings, L.L.C., developer; Infinity Engineering Services, Ltd., engineer.

10. Adjournment.

It was moved by Councilmember Stapley, seconded by Councilmember Giles, that the Regular Council Meeting adjourn at 6:15 p.m.

Carried unanimously.

WAYNE BROWN, MAYOR

ATTEST:

BARBARA JONES, CITY CLERK

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the Regular Council Meeting of the City Council of Mesa, Arizona, held on the 18th day of November 1996. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 6th day of December 1996

BARBARA JONES, CITY CLERK