

# COUNCIL MINUTES

May 6, 1996

The City Council of the City of Mesa met in a Regular Session in the Council Chambers, 57 East 1st Street, on May 6, 1996 at 5:35 P.M.

## COUNCIL PRESENT

Mayor Willie Wong  
Jerry Boyd  
Pat Gilbert  
T. Farrell Jensen  
Dale Johnson  
Joan Payne  
Jim Stapley

## COUNCIL ABSENT

None  
  
POLICE OFFICER  
PRESENT  
  
Bill Barta

## OFFICERS PRESENT

C.K. Luster  
Neal Beets  
Barbara Jones

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

The Invocation was given by Ira Brown, Mesa First Church of the Nazarene.

The Pledge of Allegiance was led by Dustin Larson, Troop #158.

Presentation from Roxanne Wilson, President of the 1995-96 Mayor's Youth Committee.

Roxanne Wilson, President of the 1995-96 Mayor's Youth Committee, recognized members of the Youth Committee present at the meeting and presented a scrapbook to Mayor Wong of service events the Youth Committee participated in during the past year. Mayor Wong expressed appreciation to the Youth Committee for their efforts.

### 1. Approval of minutes of previous meetings as written.

It was moved by Councilmember Boyd, seconded by Councilmember Stapley, that the minutes of April 4, 12, 15, and 19, 1996, 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 or a citizen present. All items identified in these minutes with an asterisk (\*) were approved with one Council action.

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

Carried unanimously.

2.1. Conduct a public hearing and consider adoption of a resolution approving the Mesa General Plan Update as proposed by the General Plan Advisory Committee and recommended by the Planning & Zoning Board -Resolution No. 6905.

Bill Ellars, 1914 East Baseline Road, Chairman of the Mesa Economic Development Advisory Board, thanked the General Plan Advisory Committee and Planning and Zoning Board for their efforts and stated support of the proposed Mesa General Plan Update.

David Wier, 5421 East Fountain Circle, President of the Mesa Chamber of Commerce, expressed the opinion that the proposed General Plan provides for long-term growth and incorporates an appropriate balance of land use and location. Mr. Wier encouraged Council approval of the Plan.

Ed Bull, 702 East Osborn, Phoenix, spoke on behalf of the Sandhu family, owners of property located at the southeast corner of Signal Butte and Elliot Roads near the General Motors (GM) Proving Grounds. Mr. Bull stated opposition to the proposed designation of this land as Commerce Park, commenting that the property was designated as Medium-Density Residential when purchased and a change to Commerce Park would significantly devalue the land. Mr. Bull proposed an interim zone that would allow development of the property as either Commerce Park or Residential.

Mr. Bull responded to questions from Councilmember Payne concerning estimated property value and anticipated time frame for development under both the Commerce Park and the Residential designations.

Robert Lawther, 156 North Fraser Drive West, said that he and the Steffey family own approximately 330 acres of land north of the General Motors facility, 80 acres of which are located south of the power line. Mr. Lawther stated that given current market conditions, a change in designation to Commerce Park would completely devalue the land. Mr. Lawther expressed the opinion that noise from the GM Proving Grounds is not sufficient to warrant the change and that residential development can be compatible with the facility. Mr. Lawther suggested that General Motors dedicate land should the City determine that a buffer zone is necessary.

W. Ralph Pew, 40 North Center, #200, representing LKY Development, the owner of property located north of the General Motors facility, expressed agreement with the comments of Mr. Bull and Mr. Lawther relative to property located to the east of GM. Mr. Pew additionally noted opposition to the designation of property to the north of the facility as

Commerce Park. Mr. Pew stated the opinion that the amount of land surrounding the GM facility proposed for Commerce Park is excessive and that it is not appropriate to change property from a Residential designation simply because land for economic development may be needed in the future. Mr. Pew urged Council to retain the Residential designation.

At the request of Mayor Wong, Community Development Manager Wayne Balmer spoke concerning the proposed Commerce Park designation and the ability of property owners to request a General Plan amendment when developing particular parcels of land.

Tom Peart, 2311 South Farnsworth Drive, #101, advised that he is the owner of approximately 320 acres of land adjacent to the east side of the GM Proving Grounds. Mr. Peart stated opposition to the designation of his property as Commerce Park. Mr. Peart expressed the opinion that noise and dust generated by the GM facility do not warrant the proposed change and noted that the Elliott Pollack report indicates that the City currently has sufficient industrial land. Mr. Peart said that a change to Commerce Park will significantly delay development of his property. Mr. Peart suggested that GM dedicate their land as a buffer zone or purchase property to be used as a buffer zone.

Kyle Robinson, 4928 East Dartmouth Street, commented that the proposed General Plan represents an appropriate balance of long-term land use. Mr. Robinson encouraged Council support of the Plan.

Jack Scarpa, 6021 East Selkirk, stated the opinion that the General Plan Update includes excessive land designated for industrial use and not enough land for residential development. Mr. Scarpa spoke in opposition to the proposed buffer zone adjacent to the GM Proving Grounds.

Bonnie Scarpa, 6021 East Selkirk, noted concern relative to the increase in the amount of land designated for industrial development and the decrease in land designated for agricultural use. Ms. Scarpa expressed the opinion that property adjacent to GM should not be changed to Commerce Park and should not be utilized as a buffer zone.

Bill Brando, 61 South Macdonald, stated the opinion that the City has in recent years considered the interests of large corporations over the rights of individual citizens. Mr. Brando spoke in opposition to the proposed buffer zone near the GM facility.

Mr. Balmer responded to questions from Mike Graves, 7911 East Irwin, concerning avigation easements in areas surrounding Falcon Field and Williams Gateway Airport. Mr. Balmer advised that issues such as notification are included in the text relating to General Plan policies.

It was moved by Councilmember Gilbert, seconded by Vice Mayor Jensen, that the General Plan Update be approved and Resolution No. 6905 be adopted.

Councilmember Gilbert thanked the individuals involved in the development of the General Plan Update. Councilmember Gilbert noted appreciation for the concerns expressed by property owners near the General Motors facility but stated the opinion that the proposed Plan is an appropriate tool at this time.

Councilmember Payne spoke concerning the importance of land to property owners near the GM Proving Grounds and stated opposition to the proposed change in land use designation from Residential to Commerce Park. Councilmember Payne said that she will not vote in favor of the motion.

Councilmember Boyd expressed appreciation for the efforts of all involved in the development of the proposed General Plan. Councilmember Boyd commented that the General Plan is a tool to guide long-term development but noted that it can be amended when deemed appropriate. Councilmember Boyd stated support of the General Plan Update.

Mayor Wong thanked everyone involved in updating the General Plan. Mayor Wong spoke in favor of the proposal.

Councilmember Johnson stated that he will vote in favor of the motion. Councilmember Johnson said that he understands the concerns of property owners near the General Motors Proving Grounds but noted the ability of citizens to request an amendment to the General Plan.

Upon tabulation of votes, it showed:

AYES - Wong-Boyd-Gilbert-Jensen-Johnson-Stapley  
NAYS - Payne  
ABSENT - None

Mayor Wong declared the motion carried by majority vote and Resolution No. 6905 adopted.

3. Acknowledge receipt of minutes and meetings of various boards and committees and consider action where appropriate.

- \*a. Crime Prevention Advisory Board meeting - April 17, 1996.
- \*b. Economic Development Advisory Board meeting - April 25, 1996.
- \*c. Design Review Board meeting - May 1, 1996.
- \*d. Merit System Board meeting - April 19, 1996.
- \*e. Museum and Cultural Advisory Board meeting - April 23, 1996.
- \*f. Redevelopment Committee meeting - May 2, 1996.

Recommend that the proposal submitted by Brown and Brown Chevrolet for the development of Site No. 14, subject to the conditions outlined, including a Council Use Permit, be forwarded to the full Council for discussion and review.

Lavon Lee, 130 East Main Street, #5, speaking on behalf of residents of the A-1 Trailer Park, spoke in opposition to the proposed development of Site No. 14. Ms. Lee stated that most tenants are long-term residents of the park with low and/or fixed incomes who are unaware

of the plan before Council. Ms. Lee noted hardships associated with relocation and suggested that Brown and Brown consider an alternate site for expansion.

C. Max Killian, representing Brown and Brown Chevrolet, advised that the conditions outlined are acceptable and that Brown and Brown is prepared to enter into a contract for the development of Site No. 14.

(At this time Council considered Item 7j, a resolution accepting the redevelopment proposal from Brown and Brown Chevrolet.)

\*g. Special Downtown Development Committee meeting - April 29, 1996.

\*h. Traffic Safety Committee meeting - April 16, 1996.

4. Consider the following liquor license applications:

\*a. ERIC M. MACKLER, AGENT

Person Transfer Bar License for Hampton Inn, 1563 South Gilbert Road. This transfer is from Eric M. Mackler, Agent, Colorado Hotel Management, Inc., to Sunstone Hotel Properties, Inc., of Colorado (FN).

\*b. DENNIS R. SIRRINE, AGENT

New Restaurant License for Rosa's Mexican Grill, 328 East University Drive. The license previously held at this location by Dennis R. Sirriner, Individual, Rosa's Taco Shop & Mexican Deli, will revert back to the State.

\*c. RICHARD J. WILLIAMS, AGENT

New Restaurant License for Tony Roma's, 1837 West Guadalupe Road. The license previously held at this location by Raymond Paul Perry, Agent, Tony Roma's "A Place for Ribs," will revert back to the State.

5. Consider the following contracts:

\*a. One-year renewal of the annual supply contract for PE2406 pipe and fittings for warehouse inventory to be used by the Utility Construction Division.

The Purchasing Division recommends exercising the second and final one-year renewal option with the lowest overall bid by Plexco at \$172,867.29 plus 5% use tax of \$8,643.36 for a total award of \$181,510.65 based on estimated requirements.

\*b. One-year renewal of the annual supply contract for streetlighting lamps for warehouse inventory to be used by the Traffic Engineering Division.

The Purchasing Division recommends exercising the second and final one-year renewal option with the original lowest overall bid by Arizona Electric Supply for

\$38,739.22 plus 5.75% sales tax of \$2,227.50 for a total of \$40,966.72 based on estimated purchases.

- \*c. One-year renewal of the annual supply contract for precast electric vaults for the Electric Department.

The Purchasing Division recommends exercising the second and final one-year renewal option with the lowest complete bid by Utility Vault Company, Inc. at \$90,033.00 plus 7.25% sales tax of \$6,527.39 for a total of \$96,560.39 based on estimated requirements.

- \*d. Annual supply contract for training and duty ammunition as requested by the Police Department.

The Purchasing Division recommends accepting the lowest overall bid by San Diego Police Equipment at \$142,499.60 plus 5% use tax of \$7,124.98 for a total of \$149,624.58.

- \*e. Folder/insertor equipment to be used in the mail room as requested by the General Services Department.

The Purchasing Division recommends accepting the low bid meeting specification by Neopost at \$15,667.50 plus 7.05% sales tax of \$1,104.55 for a total of \$16,772.05.

- \*f. 19,400 feet of coated steel gas pipe as requested by the Utilities Department.

The Purchasing Division recommends accepting the low bid by Kelly Pipe Company at \$103,580.00 plus 7.05% use tax of \$7,302.39 for a total of \$110,882.39.

- \*g. 40 VHF portable radios for the Police Department as requested by the Communications Division.

The Purchasing Division recommends authorizing purchase from the State of Arizona contract with Motorola Communications & Electronics for \$33,692.00 plus 7.05% sales tax of \$2,375.28 for a total of \$36,067.28.

- \*h. Annual supply contract for water filter media, anthracite, to be used at the CAP water treatment plant as requested by the Utilities Department.

The Purchasing Division recommends accepting the low bid by Carbonite Filter Corporation at \$18,693.00 plus 5% use tax of \$934.65 for a total of \$19,627.65.

- \*i. Custodial Services contract for ten "high security" City buildings as requested by the Building & Grounds Maintenance Division.

The Evaluation Team and the Purchasing Division recommend accepting the proposal by J & J Janitor Service for annual expenditures estimated at \$355,943.75.

- j. Nonemergency towing services contract as requested by the Police Department, Fleet Support Services, and Building Inspections Division. This contract will provide for towing of abandoned vehicles and disabled City vehicles.

The Purchasing Division recommends accepting the low bid by Cactus Towing for a two-year contract with annual expenditures of \$25,000 based on estimated requirements.

Councilmember Boyd briefly provided background information regarding the City's towing contracts. Councilmember Boyd expressed concern with awarding all towing contracts to one vendor and recommended that Cactus Towing be awarded a contract for towing disabled City vehicles and Tri-City be awarded a contract for towing abandoned vehicles.

Mayor Wong expressed agreement with Councilmember Boyd.

Jean Klotz, 1334 West 7th Street, noted service provided to the community by Tri-City Towing. Ms. Klotz spoke concerning the importance of back-up service and suggested that the City reconsider awarding all towing contracts to one vendor.

Lee Watkins, 1235 North Sunnyvale, stated the opinion that Cactus Towing has provided exemplary service in fulfilling the City contracts for emergency towing services. Mr. Watkins stated that Cactus Towing has submitted the low bid for the provision of nonemergency towing services and can effectively fulfill the new contract.

Vice Mayor Jensen commented that the bid specifications did not include a prohibition against any company currently providing towing services for the City. Vice Mayor Jensen spoke in favor of awarding the contract to the low bidder.

It was moved by Councilmember Stapley, seconded by Vice Mayor Jensen, that the recommendation of staff be accepted.

Councilmember Stapley stated support for the proposal, noting that Cactus Towing has adequately fulfilled the contract with the City for emergency towing services and has submitted the low bid for nonemergency towing services.

Councilmember Boyd said that he would have preferred prior discussion relative to combining the City's two current contracts for nonemergency towing services into a single contract.

Upon tabulation of votes, it showed:

AYES - Gilbert-Jensen-Johnson-Stapley  
NAYS - Wong-Boyd-Payne  
ABSENT - None

Mayor Wong declared the motion carried by majority vote.

- k. Traffic signal control cabinets and test equipment as requested by the Transportation Division.

The Purchasing Division recommends accepting the low bid by Econolite Control Products, Inc. at \$127,210.00 plus 5% use tax of \$6,360.50 for a total of \$133,470.50.

Traffic and Streets Director Ron Krosting responded to questions from Bill Brando, 61 South Macdonald, concerning the control cabinets and test equipment. Mr. Brando requested a report indicating locations where equipment will be installed.

It was moved by Councilmember Gilbert, seconded by Councilmember Boyd, that the recommendation of staff be accepted.

Carried unanimously.

(At 7:50 p.m. Mayor Wong called for a short recess, and the meeting reconvened at 7:58 p.m.)

(Mayor Wong excused Councilmember Payne from the remainder of the meeting.)

- \*1. 11 GHz microwave equipment as requested by the Communications Division.

The Purchasing Division recommends exercising an additional purchase option from RFB #95060 with the low bid by Nortel at \$208,853.00 plus 5.0% use tax of \$10,442.65 and shipping of \$1,000.00 for a grand total of \$220,295.65.

- \*m. 18GHz microwave radio systems as requested by the Communications Division.

The Purchasing Division recommends exercising an additional purchase option from RFB #94092 with the lowest overall bidder, Alcatel Network System, at \$87,660.00 plus 5.0% use tax of \$4,383.00 for a total of \$92,043.00.

- \*n. Desert Wells No. 11 and 12.

This project will drill two production wells in the Desert Wells Zone. One will be located at Hawes Road and Southern Avenue and the other will be located at Sossaman Road and US 60 (Superstition Freeway).

Recommend award to low bidder, Layne-Western, in the amount of \$504,140.00.

- \*o. McKellips Road storm sewer; 32nd Street to RWCD Canal.

This project will provide storm drainage along McKellips Road between 32nd Street and the RWCD Canal.

Recommend award to low bidder, Calyber Contracting, Inc., in the amount of \$455,825.00.

- \*p. Heritage Park improvements.

This project will install a picnic ramada, basketball and volleyball courts, and court lighting at Heritage Park, located on the north side of the Superstition Freeway, west of Mesa Drive.

Recommend award to low bidder, Landal Corporation, in the amount of \$99,257.50.

- \*q. Athletic field lighting at Shepherd Junior High School site.

This project will install field lighting for the baseball and softball fields at Shepherd Jr. High School, 1345 North Alta Mesa Drive.

Recommend award to low bidder, C S Construction, Inc., in the amount of \$97,350.00.

- \*r. 95/96 arterial/collector street overlays and reconstructions - Phase I.

This project will overlay and reconstruct the following street segments: Val Vista Drive, Broadway Road to Main Street; Home, 8th Street to Brown Road; Hermosa Vista Drive, Higley Road to Recker Road; and 56th Street, Hermosa Vista Drive to Player Place.

Recommend award to low bidder, Hunter Contracting Co. Inc., in the amount of \$547,914.00.

- \*s. Residential rubber A.C. overlay - Phase I.

This project will overlay residential streets in the following areas: between Southern Avenue to 8th Avenue and Dobson Road to Evergreen Road; between US 60 to Southern Avenue and Country Club Drive to Extension Road; between Southern Avenue to 8th Avenue and Country Club Drive to Mesa Drive; between US 60 to Southern Avenue and Horne to Mesa Drive; between Main Street to University Drive and Country Club Drive to Extension Road; and between Crosscut Canal to McLellan Road and Center Street to Country Club Drive.

Recommend award to low bidder, Nesbitt Contracting Co., Inc., in the amount of \$1,496,407.40.

- \*t. Residential rubber A.C. overlay - Phase II.

This project will overlay residential streets in the following areas: McKellips Road to McDowell Road and Recker Road to Higley Road; and between Baseline Road to US 60 and Hawes Road to Sossaman Road.

Recommend award to low bidder, Nesbitt Contracting Co., in the amount of \$1,138,486.35.

6. Introduction of the following ordinances and setting May 20, 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. Prohibiting parking on the east side of Pew from Main Street to a point 50 feet north of Main Street, and on the east side of Westwood from 8th Avenue to a point 440 feet north of 8th Avenue; removing the parking prohibition on Hermosa Vista Drive from 24th Street to Lindsay Road; and reducing the speed limit from 30 mph to 25 mph on Hermosa Vista Drive from Gilbert Road to Lindsay Road, all as recommended by the Traffic Safety Committee.
- \*b. Relating to the Mesa Personnel Rules; amending Section 410 pertaining to absence from work; amending Section 431 pertaining to vacation leave; amending Section 432 pertaining to sick leave; amending Section 830 pertaining to demotions; amending Section 930 pertaining to dismissal; and repealing conflicting ordinances.
- c. Relating to a Council Use Permit; amending Ordinance 2769 that established the Conditions for issuance of a Council Use Permit to Paz de Cristo, 424 West Broadway Road.

Bill Brando, 61 South Macdonald, noted the importance of services provided by Paz de Cristo and expressed the opinion that the conditions of the Council Use Permit place an imposition on the agency. Mr. Brando requested that consideration be given to either eliminating the requirement of a Council Use Permit for Paz de Cristo or stipulating that all social agencies be subject to a Permit.

It was moved by Vice Mayor Jensen, seconded by Councilmember Stapley, to approve the introduction of an ordinance amending Ordinance 2769 that established the Conditions for issuance of a Council Use Permit to Paz de Cristo, 424 West Broadway Road.

Councilmember Boyd advised that additional information pertaining to requirements of a Council Use Permit can be provided to Mr. Brando if necessary.

Upon tabulation of votes, it showed:

AYES - Wong-Boyd-Gilbert-Jensen-Johnson-Stapley  
NAYS - None  
ABSENT - Payne

Mayor Wong declared the motion carried unanimously by those present.

- \*d. Amending Section 11-2-2 of the Mesa City Code, changing the zoning of certain property described in Zoning Case HP95-1TC, adopting an official supplementary zoning map, and providing penalties for the violation thereof.
- e. Amending Section 11-2-2 of the Mesa City Code, changing the zoning of certain property described in Zoning Case HP96-1TC, adopting an official supplementary zoning map, and providing penalties for the violation thereof.

Tom Verploegen, representing the Mesa Town Center Corporation, 58 West Main Street, requested that Council delay designation of this area as a historic district pending finalization of redevelopment projects to the north, east, and west of the site. Mr. Verploegen

commented that designation as a local preservation district may be more appropriate at this time.

Priscilla Crosswhite, 141 North Wilbur, stated support of the proposed historic designation.

Bob Meeks, 138 North Wilbur, advised that he purchased his home in this portion of the City because of the history and ambiance of the neighborhood. Mr. Meeks stated that residents have complied with the requirements for designation as a historic district and commented that it is incumbent upon Council to now act upon the matter.

Roy McClellan, 114 North Hibbert, provided historical information pertaining to his home and noted the efforts of residents to maintain the appearance of the neighborhood. Mr. McClellan spoke in favor of the proposed historic district.

Cathy Snyder, 123 North Wilbur, presented petitions with signatures of individuals who could not be present at the meeting as well as residents outside the proposed historic district who favor the designation. Ms. Snyder read a letter and encouraged Council to take action to preserve a portion of Arizona's heritage.

Tiffany Burch, 248 East 1st Street, expressed the opinion that designation of this neighborhood as a historic district will enhance Mesa and any redevelopment projects proposed for surrounding areas.

Janice Gennevois, 150 North Wilbur, provided background data pertaining to her home and noted the importance of preserving Mesa's history.

Mary Lou St. Cyr, 724 South Kachina Lane, stated that she does not live within the proposed Glenwood/Wilbur district but favors the historical designation of the area.

It was moved by Councilmember Gilbert, seconded by Vice Mayor Jensen, to approve the introduction of an ordinance changing the zoning of certain property described in Zoning Case HP96-1TC.

In response to questions from Councilmember Gilbert regarding comments from citizens, Councilmember Boyd clarified that discussion occurred at the May 2, 1996 Redevelopment Committee meeting concerning the potential for boundary changes and a recommendation from the Mesa Town Center Corporation to delay action on this issue. Councilmember Boyd stated that he favors the proposed historic designation.

Councilmember Gilbert noted that Councilmember Payne has asked him to convey her support of the proposed historic district.

Upon tabulation of votes, it showed:

AYES - Wong-Boyd-Gilbert-Jensen-Johnson-Stapley  
NAYS - None  
ABSENT - Payne

Mayor Wong declared the motion carried unanimously by those present.

- f. Amending Section 11-2-2 of the Mesa City Code, changing the zoning of certain property described in Zoning Case CUP96-1TC, adopting an official supplementary zoning map, and providing penalties for the violation thereof.

(See Items 3f and 7j for additional discussion of this matter.)

It was moved by Vice Mayor Jensen, seconded by Councilmember Stapley, to approve the introduction of an ordinance changing the zoning of certain property described in Zoning Case CUP96-1TC.

Upon tabulation of votes, it showed:

AYES - Gilbert-Jensen-Johnson-Stapley  
NAYS - Wong-Boyd  
ABSENT - Payne

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

- \*g. **DR96-37** An application for a Council Use Permit to Section 11-13-2(L) of the City of Mesa Zoning Ordinance to utilize exterior building illumination on a building at 1411 West Broadway Road. This request is by Narooz Limited Partnership for used car and truck sales.
- \*h. **Z96-14** 502 North Alma School Road. Rezone from R-4 to R-4-PAD (1± acre). This case involves the addition of 16 new condo units as part of an existing project. Mesa Commercial Limited Partnership, owner; Anson L. Call, applicant.
- \*i. **Z96-20** The 2000 to 2700 blocks of North Ellsworth Road (east to Usery Mountain Recreation Area). Rezone from R1-35-DMP to R1-15-PAD, R1-35 and PF (330± acres). This case involves the development of the Boulder Mountain Highlands residential subdivision. Boulder Mountain Highlands L.P., owner; Pulte Home Corporation, applicant.
- \*j. **Z96-21** The southwest corner of Southern Avenue and Val Vista Drive. Rezone from C-2 to R-4 (15± acre). This case involves the development of a 240-unit apartment complex. W.C. Dana and Beverly Goebel, owners; Evans Withycombe Residential, applicant.
- \*k. **Z96-22** 2424 East Southern Avenue. Rezone from R1-43 to O-S (2± acres). This case involves the modification of a single residence to a medical/dental office. Franklin Little D.D.S., owner/applicant.
- \*l. **Z96-23** The 5200 to 6700 blocks of South Sossaman (both sides east to Ellsworth Road). Rezone from PF to M-1-DMP (3,020± acres). This case involves the development of Williams Gateway Airport. Williams Air Force Base, owner; Williams Gateway Airport Authority (WGAA), applicant.

- \*m. **Z96-24** The 7500 and 7600 blocks of East Eagle Crest Drive. Rezone from R190-DMP to R-2-PAD-DMP (30± acres). This case involves a 180-unit town home subdivision. Gary La Frambois, owner; P/D Architects, applicant.
- \*n. **Z96-25** The 3700 block of East Brown Road (north side). Rezone from R1-35-PAD to R1-35 (20± acres). The case involves the removal of a PAD overlay to accommodate conventional single-residence development. Judy Peters and Phase One Equities, owners/applicants.
- \*o. **Z96-26** North and west of the northwest corner of Broadway and Greenfield Road. Rezone from R-2-PAD to R1-6-PAD (10± acres). This case involves a proposed 62-lot patio home subdivision. W.H. Passey, owner; D.R. Horton, Inc., applicant.
- \*p. **Z96-27** The northwest corner of Hermosa Vista Drive and 40th Street. Rezone from R1-35 to R1-35-PAD (20± acres). This case involves a 20-lot single-residence subdivision. E.W. Gardner, owner/applicant.
- \*q. Pertaining to the City Transient Occupancy Tax; repealing Title 5, Chapter 18 of the Mesa City Code; amending Sections 5-10-447 and 5-10-447.1 of the Mesa City Code pertaining to the Transactions Privilege Tax and exclusions thereto; and providing penalties for the violation thereof.
- \*r. Granting to Air Products and Chemicals, Inc., a nonexclusive license for conveyance of nitrogen gas through pipelines under, along, and across public streets and places in the City of Mesa.
- s. Relating to bathhouses, massage parlors, and therapy centers; repealing Chapter 12 of Title 5 of the Mesa City Code; adopting a new Chapter 12 of Title 5 pertaining to massage therapists, massage establishments, and off-premises massage; providing for applicability and an effective date; and establishing penalties for violations.

Daniel Vasquez, LMT, 1241 North 48th Street, #207, Phoenix, expressed appreciation to the City for its efforts to improve standards for the massage therapy industry. Mr. Vasquez noted the extensive education required of massage therapists in Canada and Europe and requested that the ordinance before Council be modified to include 500 hours of classroom training.

Becky Auldridge, 7650 East Main, #107, operator of a massage therapy center, spoke in favor of educational requirements but stated concern regarding the proposed fees and off-premise licensing.

Vice Mayor Jensen delineated the number of hours of classroom training required of massage therapists in surrounding communities and commented that Council originally considered this matter in an effort to enhance industry standards in Mesa.

It was moved by Vice Mayor Jensen, seconded by Councilmember Gilbert, to approve the introduction of an ordinance relating to bathhouses, massage parlors, and therapy centers, with the stipulation that 500 hours of classroom training be required.

Upon tabulation of votes, it showed:

AYES - Wong-Boyd-Gilbert-Jensen-Stapley  
NAYS - Johnson  
ABSENT - Payne

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

7. Consider the following resolutions:

- \*a. Adopting a policy which declares the aim of the City of Mesa is to be a drug-free community - Resolution No. 6895.
- \*b. Authorizing the City Manager to execute an intergovernmental agreement with the State of Arizona through its Department of Public Safety to enhance law enforcement services concerning the criminal activities of street gangs - Resolution No. 6896.
- \*c. Authorizing the City Manager to enter into an intergovernmental agreement with Maricopa County, other cities, and the City of Mesa to allow the continued participation in the Maricopa HOME Consortium - Resolution No. 6897.
- \*d. Approving the assessment diagram map for Assessment District No. 96-85 which provided for the improvement of East Hermosa Vista Drive just west of North Lindsay Road - Resolution No. 6898.
- \*e. Authorizing the City Manager to execute an agreement between the Regional Public Transportation Authority and the City of Mesa for the provision of local transit service - Resolution No. 6899.
- \*f. Granting an easement for irrigation to Salt River Project at Alma School Road and University Drive - Resolution No. 6900.  
  
Easement is to cover the new facilities installed with the Alma School Road widening project.
- \*g. Extinguishing easements for public utilities located at the 1900 block of North Mesa Drive - Resolution No. 6901.  
  
New owners are resubdividing and these easements are no longer needed.
- \*h. Extinguishing a temporary easement for drainage at 6553 East Baywood Avenue - Resolution No. 6902.
- \*i. Authorizing the City Manager to execute an intergovernmental agreement with the East Valley Institute of Technology to place a police officer in the district in accordance with the approved "Safe Schools Program" - Resolution No. 6903.
- j. Accepting the redevelopment proposal from Brown and Brown Chevrolet and authorizing the City Manager to execute a redevelopment agreement and all other

instruments necessary to carry out the provisions of the proposal - Resolution No. 6906.

(This item was discussed out of order. Councilmember Payne was present for review of this issue.)

(See Items 3f and 6f for additional discussion of this matter.)

It was moved by Councilmember Stapley, seconded by Councilmember Johnson, that the redevelopment proposal from Brown and Brown Chevrolet be accepted and Resolution No. 6906 be adopted.

Councilmember Gilbert noted the importance of the dealership to Mesa but expressed concern relative to the relocation of residents and the City's lack of affordable housing. Councilmember Gilbert stated that he will reluctantly support the motion.

Vice Mayor Jensen requested that Community Development Manager Wayne Balmer meet with Lavon Lee, who spoke in reference to Item 3f, to answer any questions she may have concerning the proposed redevelopment of Site No. 14.

In response to a question from Councilmember Boyd, Mr. Balmer reported that if the proposal for redevelopment is approved by Council, staff will begin negotiations with Brown and Brown and the owner of the A-1 Trailer Park. Mr. Balmer said that discussions with tenants concerning relocation options will occur closer to finalization of the project. Mr. Balmer added that he is not aware of what information, if any, has been provided to tenants by the property owner concerning the fact that the trailer park is located on a redevelopment site.

Mayor Wong noted the contributions of the dealership to the City but expressed concern in selling the parcel to Brown and Brown for \$1 and waiving water and sewer development fees. Staff responded to questions from Mayor Wong relative to landscaping, parking, and loudspeakers.

Councilmember Boyd stated the opinion that sufficient notice has not been provided to residents regarding the redevelopment proposal. Councilmember Boyd said that he will not vote in favor of the motion.

Upon tabulation of votes, it showed:

AYES - Gilbert-Jensen-Johnson-Payne-Stapley  
NAYS - Wong-Boyd  
ABSENT - None

Mayor Wong declared the motion carried by majority vote and Resolution No. 6906 adopted.

\*k. Canvassing, declaring, and adopting the results of the General Election held April 30, 1996 -Resolution No. 6904.

8. Consider adopting a Notice of Intention to consider adjusting water and wastewater utility rates, rate components, fees, or service charges and setting June 17, 1996 as the date of the public hearing on the proposed adjustments.

It was moved by Councilmember Boyd, seconded by Councilmember Stapley, that a Notice of Intention to consider adjusting water and wastewater utility rates, rate components, fees, or service charges be adopted.

Upon tabulation of votes, it showed:

AYES - Wong-Boyd-Gilbert-Jensen-Johnson-Stapley  
NAYS - None  
ABSENT - Payne

Mayor Wong declared the motion carried unanimously by those present.

9. Consider the following subdivision plat:

\*a. "LEHI SHADOWS" - The 2300 block of North Mesa Drive (west side), 24 R1-9 single-residence lots (6.8 acres). American Heritage Developers, LLC, developer; D & M Engineering, engineer.

10. Adjournment.

It was moved by Councilmember Stapley, seconded by Councilmember Gilbert, that the Regular Session adjourn at 8:45 P.M.

Carried unanimously.

WILLIE WONG, MAYOR

ATTEST:

BARBARA JONES, CITY CLERK

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I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the Regular Session of the City Council of Mesa, Arizona, held on the 6th day of May, 1996. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 30<sup>TH</sup> day of May 1996

BARBARA JONES, CITY CLERK