



# COUNCIL MINUTES

July 1, 2002

The City Council of the City of Mesa met in a Regular Council Meeting in the Council Chambers, 57 East 1st Street, on July 1, 2002 at 5:45 p.m.

## COUNCIL PRESENT

Dennis Kavanaugh  
Rex Griswold  
Kyle Jones  
Janie Thom  
Claudia Walters  
Mike Whalen

## COUNCIL ABSENT

Keno Hawker

## OFFICERS PRESENT

Mike Hutchinson  
Debbie Spinner  
Barbara Jones

(Vice Mayor Kavanaugh excused Mayor Hawker from the meeting.)

Invocation by Minister of Prayer Anita Hensley, Word of Grace Church.

Pledge of Allegiance was led by Joe Daniel Cortez.

Vice Mayor Kavanaugh welcomed everyone to the meeting.

Presentation of the Don Cooper Memorial Award by Wayne Pomeroy of the Mesa Public Safety Foundation.

Former Mayor Wayne Pomeroy, representing the Mesa Public Safety Foundation, addressed the Council and stated that the Foundation honors the heroes of Mesa on an annual basis and has done so for the past 25 years. Mr. Pomeroy introduced three members of the Executive Committee who were present in the audience, Alex Finter, Milt Lee and Joe Burr. Mr. Pomeroy said that this year, the Foundation honored 22 police officers, 9 firemen and 11 civilians.

Mr. Pomeroy informed the audience that five years ago, the Foundation recommended the establishment of the Bob and Nell Evans' Young Hero Award to honor young people of courage in the community. Mr. Pomeroy announced that this year, the award, which includes "Young Hero" fire and police trucks, and a \$500 check, will be presented to two recipients, Max Archibald and Anthony Cortez.

Mr. Pomeroy explained that on March 3, 2002, Max's mother suffered a severe asthma attack and was unable to breath and talk, and that Max called 911 and advised the dispatcher that his mother was sick. Mr. Pomeroy stated that Max's quick action saved the life of his mother, and he presented him with the Young Hero Award on behalf of the Public Safety Foundation.

Mr. Pomeroy informed the Council that on February 16, 2002, Anthony Cortez was playing outside near his home when he heard his neighbor, Josh Chapman, scream. Mr. Chapman had been working on a hydraulic shock system and it collapsed and hit him on the head. Anthony ran home, told his father what had occurred, and then called 911 while his father and other neighbors pulled the truck off of Mr. Chapman's head. Mr. Pomeroy stated that as a result of Anthony's quick thinking, Mr. Chapman survived his accident, and he presented him with the Young Hero Award on behalf of the Public Safety Foundation.

Mr. Pomeroy provided a brief history regarding the Don Cooper Memorial Award and noted that it is the highest honor presented by the organization. Mr. Pomeroy introduced this year's recipient, Police Detective Robert Loftus, Jr. Mr. Pomeroy recounted four separate acts of bravery which Detective Loftus was engaged in including the pursuit of an individual wanted for aggravated assault during a shooting; providing the Police Department with information from a previous encounter with an individual which resulted in the arrest of a robbery suspect; was instrumental in the arrest of another robbery suspect several weeks later, and at the scene of a domestic disturbance, Detective Loftus and two other officers were able to rescue the victim from a possible murder. Mr. Pomeroy presented the award to Detective Loftus and congratulated him for his bravery and good work.

Vice Mayor Kavanaugh, on behalf of Mayor Hawker and the entire City Council, expressed congratulations to Detective Loftus.

1. 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 with an asterisk (\*) were approved with one Council action.

It was moved by Councilmember Griswold, seconded by Councilmember Walters, that the consent agenda items be approved.

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

\*2. Approval of minutes of previous meetings as written.

The minutes of the June 24, 2002 City Council meeting.

3. Conduct a public hearing for the following annexation.

- a. **A02-4** Annexing the northwest corner of 93<sup>rd</sup> Street and McLellan Road (2± acres).

Vice Mayor Kavanaugh announced that this is the time and place for a public hearing concerning annexing the northwest corner of 93<sup>rd</sup> Street and McLellan Road.

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

4. Consider the following liquor license applications:

\*a. ALEXANDER D. HAMDEN, AGENT

New Beer & Wine Store License for Los Tres Amigos Mercado Y Carniceria, 253 E. Broadway Rd. No previous liquor license at this location.

\*b. NAMROUD ISHAQ SHABA

New Beer & Wine Store License for Number 1 Mini Mart, 735 E. McKellips Rd. This is an existing business. The Beer & Wine Store License previously held at this location by Amjad A. Alkhatib, Agent, EMA Food Stores LLC, will revert back to the State.

\*c. RANDY D. NATIONS, AGENT

New Restaurant License for Outback Steakhouse #2, 1650 S. Clearview. This is an existing business. The license previously held at this location by Matthew James McMahon, Agent, Outback Steakhouse, will revert back to the State.

5. Consider the following contracts:

\*a. Dust and erosion control services as requested by the Environmental Programs and Street Maintenance Divisions.

The Purchasing Division recommends authorizing purchase from the Maricopa County contract with EarthCare Consultants, LLC for annual purchases estimated at \$245,069.76 including applicable sales tax.

\*b. Two pumper trucks as requested by the Fire Department. One truck is a replacement, and one is an addition to the fleet.

The Purchasing Division endorses the Fire Department's recommendation to exercise an additional purchase option from RFP #2001226 with the original highest evaluated score by Pierce Manufacturing Company at \$841,598.21 including options and applicable sales tax.

\*c. Election printing as requested by the City Clerk's Office.

The Purchasing Division recommends accepting the low bid by Century Graphics at \$14,576.00 for the September election (if held) and \$9,016.00 for the November election. The combined award if both elections are held is \$23,592.00.

\*d. Thomas and Recker Road Improvements. City of Mesa Project No. 00-86.

This project will improve Thomas Road between 56<sup>th</sup> St. and Recker Road to two lanes in each direction, and includes a continuous two-way left-turn median lane, storm drain, street lighting, and a 16-inch water line. Additionally, the project widens Recker Road between Thomas Road and Preston to two lanes in each direction, including a raised landscaped median, storm drain and a 24-inch water transmission main.

Recommend award to low bidder, Archon, Inc., in the amount of \$2,486,665.00 plus an additional \$248,666.50 (10% allowance for change orders) for a total award of \$2,735,331.50.

5.1. Introduction of the following ordinances and setting July 15, 2002 as the date of public hearing on these ordinances:

- \*a. **Z02-21** 1350 South Longmore (1+/- acre). Council Use Permit. This case involves the development of a charter school. Randy Naess, owner; Linda Proctor-Downey, applicant.
- \*b. **Z02-22** The southeast corner of Southern Avenue and Val Vista Drive (1 +/- acre). Council Use Permit. This case involves the development of a charter school. M C Strauss Trust, represented by Mike Eubank, owner; Rauf Moosavi, applicant.

6. Consider the following ordinances:

- \*a. Establishing a speed limit of 40 mph on Thomas Road from Higley Road to Recker Road; and prohibiting left turns from the driveway on the west side of Power Road with centerline approximately 450 feet north of Thomas Road as recommended by the Transportation Advisory Board – Ordinance No. 3992.

7. Consider the following resolutions:

- a. Authorizing the City Manager to execute an Intergovernmental Agreement on behalf of the City of Mesa with the Unified School District No. 4, regarding an ongoing shared planning position in terms of demographic and land use projections, data base management, and site analysis – Resolution No. 7871.

Councilmember Walters declared a potential conflict of interest and refrained from discussion/participation in this agenda item.

It was moved by Councilmember Whalen, seconded by Councilmember Jones, that Resolution No. 7871 be adopted.

Upon tabulation of votes, it showed:

AYES - Griswold-Jones-Kavanaugh-Thom-Whalen  
ABSTAIN - Walters  
ABSENT - Hawker

Vice Mayor Kavanaugh declared the motion carried unanimously by those present and voting and Resolution No. 7871 adopted.

- \*b. Designating a special election date and purpose; designating the deadline for voter registration; and designating the deadline for filing arguments – Resolution No. 7869.

- \*c. Approving and authorizing the City Manager to execute an Intergovernmental Agreement between the cities of Chandler, Glendale, Mesa, Scottsdale, Tempe and Yuma and Arizona Governmental Training Service Joint Powers Agency and an agreement with AGTS, Inc., an Arizona nonprofit corporation, to terminate the Joint Powers Agency and dispose of the jointly-held assets to and assumption of liabilities and indemnification of the cities by AGTS, Inc. – Resolution No. 7870.

8. Consider resolutions and ordinances modifying rate schedules for the following utility services:

Budget Director Jamie Warner reported that the Council is being requested to consider rate adjustments for various City of Mesa utility services which will generate approximately \$7 million for FY 2002/03. He explained that the increases are comprised as follows: Water, 5%; Wastewater, 5%, Natural Gas, 6%, and Residential Solid Waste, 6%. Mr. Warner provided a brief overview of the *Average Homeowner's Charges Survey*, which compares resident costs (property taxes, sales taxes and utility charges) in Mesa with other Valley communities and noted that Mesa's overall costs continue to remain the lowest. (See Attachment 1.)

Councilmember Thom commented that there are two ways to balance the City's budget including reducing costs or increasing utility rates, and noted that the proposed rates represent approximately 41% of Mesa's budget. She stated the opinion that the rate adjustments, as well as previous modifications, are a "back door property tax" and added that Mesa citizens have opposed a property tax in the past. Ms. Thom also stated that the City of Chandler has raised its utility rates only once in 20 years and suggested that would be a goal which Mesa should strive to achieve as well.

Councilmember Walters noted that although it is true that Mesa does not have a property tax, the overall costs to finance City services is essentially the same as in other municipalities. She added that the City simply has a different funding mechanism in place to accomplish such objectives and stated that she is proud of the fact that Mesa remains one of the most affordable cities in the Valley in which to live and work. Councilmember Walters voiced support for staff's recommendations and added that although she would prefer not to increase utility rates, a level of accountability exists during the public hearing process when citizens are given the opportunity to address the Council relative to this matter. She emphasized that the rate adjustments are not made automatically.

Councilmember Whalen stated the opinion that one of the primary reasons that Mesa has been able to survive without a property tax is the fact that the City has its own electric utility and that it has also consistently and effectively managed its other utility services over the years. He commented that the FY 2002/03 budget is one of "no growth," which will provide basic services to the community, but perhaps not the level of services Mesa residents are accustomed to. Councilmember Whalen voiced concerns that many residents in his district, District 2, are on limited incomes and they may be adversely impacted by the rate adjustments. He stressed, however, that the rate modifications are essential to enable the City to fund City services. Councilmember Whalen also urged greater economic development within the community to minimize the City's reliance on sales tax revenues in the future.

Councilmember Griswold stated that although he does not like raising City taxes and fees, he will reluctantly support staff's recommendations. He explained that during his recent campaign for City Council, Mesa residents informed him that they were primarily concerned with public

safety, parks and recreation, and transportation issues and said that he will continue to work to ensure that those areas are sufficiently funded. He added that he will endeavor to more efficiently streamline the City's budget.

Councilmember Jones expressed support for staff's recommendations and noted that the utility services are a major revenue source for the City. He concurred with Councilmember Griswold regarding the importance of reducing expenditures in the City's budget and also said that the Council will continue to work to minimize and/or avoid the need for utility rate increases in the near future.

1. Water and irrigation utility service – Resolution No. 7872 and Ordinance No. 3995.

It was moved by Councilmember Jones, seconded by Councilmember Whalen, that Resolution No. 7872 and Ordinance No. 3995 be adopted.

Vice Mayor Kavanaugh stated that if Mayor Hawker were here this evening, he would support staff's recommendations. He expressed support for staff's recommendations as well and added that property owners, renters and winter visitors alike should all contribute to the cost of City services.

Kirby Allan, 2043 E. Hackamore, voiced concerns regarding the utility rate modifications.

City Attorney Debbie Spinner requested that the Council vote twice on each rate adjustment proposal, once for the Ordinance establishing the new rates, and once for the Resolution making the rates effective August 1, 2002 and also making the rates a public record.

It was moved by Councilmember Jones, seconded by Councilmember Whalen, to amend the previous motion to recommend that Ordinance No. 3995 be adopted.

Upon tabulation of votes, it showed:

AYES - Griswold-Jones-Kavanaugh-Walters-Whalen  
NAYS - Thom  
ABSENT - Hawker

Vice Mayor Kavanaugh declared the motion carried by majority vote of those present and Ordinance No. 3995 adopted.

It was moved by Councilmember Walters, seconded by Councilmember Whalen, that Resolution No. 7872 be adopted.

Upon tabulation of votes, it showed:

AYES - Griswold-Jones-Kavanaugh-Walters-Whalen  
NAYS - Thom  
ABSENT - Hawker

Vice Mayor Kavanaugh declared the motion carried by majority vote of those present and Resolution No. 7872 adopted.

2. Wastewater utility service – Resolution No. 7873 and Ordinance No. 3996.

It was moved by Councilmember Whalen, seconded by Councilmember Walters, that Ordinance No. 3996 be adopted.

Upon tabulation of votes, it showed:

AYES - Griswold-Jones-Kavanaugh-Walters-Whalen  
NAYS - Thom  
ABSENT - Hawker

Vice Mayor Kavanaugh declared the motion carried by majority vote of those present and Ordinance No. 3996 adopted.

It was moved by Councilmember Walters, seconded by Councilmember Whalen, that Resolution No. 7873 be adopted.

Upon tabulation of votes, it showed:

AYES - Griswold-Jones-Kavanaugh-Walters-Whalen  
NAYS - Thom  
ABSENT - Hawker

Vice Mayor Kavanaugh declared the motion carried by majority vote of those present and Resolution No. 7873 adopted.

3. Gas utility service – Resolution No. 7874 and Ordinance No. 3997.

It was moved by Councilmember Walters, seconded by Councilmember Whalen, that Ordinance No. 3997 be adopted.

Upon tabulation of votes, it showed:

AYES - Griswold-Jones-Kavanaugh-Walters-Whalen  
NAYS - Thom  
ABSENT - Hawker

Vice Mayor Kavanaugh declared the motion carried by majority vote of those present and Ordinance No. 3997 adopted.

It was moved by Councilmember Whalen, seconded by Councilmember Walters, that Resolution No. 7874 be adopted.

Upon tabulation of votes, it showed:

AYES - Griswold-Jones-Kavanaugh-Walters-Whalen  
NAYS - Thom  
ABSENT - Hawker

Vice Mayor Kavanaugh declared the motion carried by majority vote of those present and Resolution No. 7874 adopted.

- 4. Modifying rates schedules for Solid Waste utility service – Resolution No. 7875 and Ordinance No. 3998.

It was moved by Councilmember Whalen, seconded by Councilmember Walters, that Ordinance No. 3998 be adopted.

Upon tabulation of votes, it showed:

AYES - Griswold-Jones-Kavanaugh-Walters-Whalen  
NAYS - Thom  
ABSENT - Hawker

Vice Mayor Kavanaugh declared the motion carried by majority vote of those present and Ordinance No. 3998 adopted.

It was moved by Councilmember Walters, seconded by Councilmember Whalen, that Resolution No. 7875 be adopted.

Upon tabulation of votes, it showed:

AYES - Griswold-Jones-Kavanaugh-Walters-Whalen  
NAYS - Thom  
ABSENT - Hawker

Vice Mayor Kavanaugh declared the motion carried by majority vote of those present and Resolution No. 7875 adopted.

9. Consider the following cases from the Planning and Zoning Board and possible adoption of the corresponding Ordinances:

- \*a. **Z02-16** The 4300 block of E. Brown Road (north side). Site Plan Modification (1.1 acres). This case involves the development of two office buildings. David Gillette, owner/applicant – Ordinance No. 3993.

P&Z Recommendation: Approval (Vote: Passed 5-0).

1. Compliance with the basic development as described in the project narrative and as shown on the site plan, preliminary plat and elevations submitted, (without guarantee of lot yield, building count, lot coverage) except as noted below.
2. Review and approval by the Planning and Zoning Board, Design Review Board and City Council of future development plans.
3. Compliance with all City development codes and regulations.
4. Compliance with all requirements of the Development Services Department (Engineering, Traffic Engineering, Solid Waste and Facilities, etc.).

5. Dedicate the right-of-way required under the Mesa City Code at the time of application for a building permit, at the time of recordation of the subdivision plat, or at the time of the City's request for dedication, whichever comes first.
  6. All street improvements and landscaping to be installed in the first phase of construction.
  7. Recordation of cross-access for temporary emergency turnaround with parcel 141-32-004L to the east.
  8. Recordation of cross-access and reciprocal parking easements with parcel 141-32-004L to the east.
  9. As a requirement for Design Review Board submittal, submit signed original documents regarding emergency turnaround cross-access agreement and a property wall agreement regarding wall height and construction with a Villa Sendero Homeowners' Association representative.
  10. Compliance with all requirements of the Design Review Board.
  11. Full compliance with all current Code requirements, unless modified through appropriate review and approval of the variance(s) outlined in the staff report.
  12. Medical and dental uses shall not be permitted.
  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 prior to the issuance of a building permit.
  14. Building "A" footprint that is not immediately improved will be maintained in a dust-free, weed-free condition and will be integrated into the site grading and drainage design.
  15. Noise attenuation measures shall be incorporated into the design and construction to achieve a noise level reduction of 25 db.
- b. **Z02-18** 540 to 550 block of S. Bellview (west side). Council Use Permit for expansion of a social service facility (2.58 acres). This case involves the development of a Transitional Redevelopment Center for Women. East Valley Addiction Council, Inc., owner; Frank Scarpati, applicant – Ordinance No. 3999.

P&Z Recommendation: Approval with conditions (Vote: Passed 5-0)

1. Compliance with the basic development as described in the project narrative and as shown on the site plan and elevations submitted, (without guarantee of lot coverage) except as noted below.
2. Compliance with all City development codes and regulations.
3. Compliance with all requirements of the Development Services Department (Engineering, Traffic Engineering, Solid Waste and Facilities, 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.
6. Compliance with all requirements of the Design Review Board.

7. Full compliance with all current Code requirements, unless modified through appropriate review and approval of the variances outlined in the staff report.
8. Retention basins to be 6:1 slopes maximum when adjacent to public rights-of-way or pedestrian walkways.

Councilmember Whalen declared a potential conflict of interest and refrained from discussion/participation in this agenda item.

It was moved by Councilmember Walters, seconded by Councilmember Jones, that Ordinance No. 3999 be adopted.

Upon tabulation of votes, it showed:

AYES - Griswold-Jones-Kavanaugh-Thom-Walters  
ABSTAIN - Whalen  
ABSENT - Hawker

Vice Mayor Kavanaugh declared the motion carried unanimously by those present and voting and Ordinance No. 3999 adopted.

- \*c. **Z02-19** 4121 E. Valley Auto Drive. Rezone from M-1 to M-1 PAD (2.5 acres). This case involves a request for a condominium office development. Michael Reidy, owner/applicant – Ordinance No. 3994.

P&Z Recommendation: Approval with conditions. (Vote: Passed 5-0)

1. Compliance with the basic development as described in the project narrative and as shown on the site plan, preliminary plat and elevations submitted, (without guarantee of lot yield, building count, lot coverage) except as noted below.
2. Review and approval by the Planning and Zoning Board, Design Review Board and City Council of future development plans.
3. Compliance with all City development codes and regulations.
4. Compliance with all requirements of the Development Services Department (Engineering, Traffic Engineering, Solid Waste and Facilities, etc.).
5. Dedicate the right-of-way required under the Mesa City Code at the time of application for a building permit, at the time of recordation of the subdivision plat, or at the time of the City's request for dedication, whichever comes first.
6. All street improvements and perimeter landscaping to be installed in the first phase of construction.
7. Compliance with all requirements of the Subdivision Technical Review Committee.

- d. **Z02-20** 6600 to 6700 block of S. Mountain Road. (east side). Rezone from AG to M-2 and Council Use Permit (8.63 acres). This case involves the development of a

Solid Waste Transfer Station. James Cullumber, owner; Ralph Pew/Pew & Lake PLC, applicant – Ordinance No. 4000.

P&Z Recommendation: Approval with conditions. (Vote: Passed 5-0).

1. Compliance with the basic development as described in the project narrative and as shown on the site plan and elevations submitted, (without guarantee of lot coverage) except as noted below.
2. Compliance with all City development codes and regulations.
3. Compliance with all requirements of the Development Services Department (Engineering, Traffic Engineering, Solid Waste and Facilities, 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.
6. Compliance with all requirements of the Design Review Board.
7. Full compliance with all current Code requirements, unless modified through appropriate review and approval of the variance outlined in the staff report.
8. Compliance with a letter dated April 5, 2002 from Ralph Pew to Frank Mizner, which is included in the zoning case file and pertains to a drainage easement along the south side of the project.
9. Written approval of the amended Archaeological Survey by the City's Historic Preservation Office prior to issuance of any building permits.
10. Compliance with the following terms of the letter from Casey Denny to Jo Ferguson dated April 3, 2002; this letter is incorporated into the ordinance by reference:
  - a. Waste shall be received indoors and shall be removed only by enclosed or tarped vehicles.
  - b. Waste shall not be handled or stored outside.
  - c. Owner granting an Avigation Easement and Release to the City, pertaining to Williams Gateway Airport, which will be prepared and recorded by the City (prior to the issuance of a building permit).
  - d. Noise attenuation measures to be incorporated into the design and construction in those areas that are not otherwise exposed to industrial level noise (office areas, employee break rooms) so as to achieve an exterior to interior noise level reduction of 20 decibels.
11. Retention basins to be 6:1 slopes maximum when adjacent to public rights-of-way or pedestrian walkways.
12. Compliance with the following terms of the applicant's letter to Leena Hernigle dated May 10, 2002; this letter is incorporated into the ordinance by reference:
  - a. The facility will operate six days a week, Monday through Saturday.
  - b. Along the Mountain Road frontage, the landscape setback will be increased to 25 feet.

13. Compliance with the following terms of the applicant's letter to Frank Mizner dated May 16, 2002; this letter is incorporated into the ordinance by reference:
  - a. Hazardous Materials as defined and regulated by applicable government agencies having jurisdiction over the site shall not be knowingly handled, processed, transferred or stored at this facility.
  - b. Except for three-day holiday weekends and conditions beyond the control of the operator of the transfer station including flooding, road closures, etc., solid waste materials shall not remain on the floor of the transfer station for more than 48 hours prior to being removed from the transfer station.

Ralph Pew, 10 West Main Street, an attorney representing the applicant, addressed the Council relative to this agenda item and provided a brief overview of the project. He explained that the request in front of the Council this evening is to rezone a 10-acre parcel from the existing AG designation to M-2 with a Council Use Permit for a solid waste transfer station. Mr. Pew displayed a series of overhead graphics in the Council Chambers to familiarize the Council with the proposed site and the surrounding area. He assured the Council that neither he nor the applicant intended to cause controversy in the community, and he added that the primary criteria with which the proposed site was selected included an area that was a distance from residential uses, but also located within an area designated by Mesa's General Plan for heavy industrial.

Mr. Pew briefly outlined the operation of a solid waste transfer station. He stated the fact that the project is a three-sided building with a concrete floor and an opening on the east end; that the location of the facility is set back from Mountain Road approximately 830 feet; that the operation of the facility involves incoming third-party solid waste which will be transported into the transfer station by pickup trucks, cars and garbage trucks; that the type of material accepted at the facility would include municipal solid waste, garbage, rubbish, construction debris, green waste and non-hazardous materials, and that the material will be deposited onto the concrete floor, immediately moved into a tunnel area, and placed into large trailers to be transported to a landfill. Mr. Pew emphasized that the proposed facility is not a landfill and nor will debris remain and/or be stored on the premises.

Mr. Pew addressed a series of concerns raised by the residents in the surrounding area including increased traffic along Mountain Road; noise and odor pollution; water contamination, and transporting hazardous materials to the facility.

Vice Mayor Kavanaugh thanked Mr. Pew for his input.

Vice Mayor Kavanaugh announced that this is the time and place for a public hearing concerning Zoning Case Z02-20.

Vice Mayor Kavanaugh advised that the following citizens submitted cards and expressed opposition to the project but did not wish to speak:

Robin Brown	11432 East Redfield Avenue
Lori Andrews Lee	22922 East Erie
Clayton Doyle	22922 East Erie

Donald Mock	14703 South Mountain Road
Manuel Vera	11336 East Quintana Avenue
Kimberly Vera	11336 East Quintana Avenue
Juanita Martinez	3219 South Opal Circle
Carmen D'Aiuto	11250 East Quarry Avenue
Carol Pendleton	22924 East Erie
Shane Ryder	3544 South Tambor
Brandon Hoy	P.O. Box 50443, Mesa
Frank Pendleton	22924 East Erie
Melissa Hoy	P.O. Box 50443, Mesa
Serena Taylor	11431 East Rutledge Avenue
Jonathan Baney	11449 East Paloma Avenue
Steve Steinert	3633 South Payton
Nicole Taylor	11255 East Ramona Avenue
Max White	9436 East Olla Avenue
Clifford Campbell	11255 East Ramona Avenue
James/Courtney Sorol	15106 South Mountain Road
Marilyn Nickle	11205 East Persimmon
Calle K. Powell	11448 East Petra Avenue
Charles Wells	3264 South Emery
Lisa McGaughey	23128 East Galveston
Leslie Williams	23118 East Williams Field Road
Carma Lively	11503 East Roscoe Avenue
Jonelle Lively	11461 East Roscoe Avenue
Carolina Griffith	11515 East Roscoe Avenue
Camille Lively	11503 East Roscoe Avenue
Joey Williams	23118 East Williams Field Road
Emile Dunn	11364 East Ramblewood Avenue
Shari Sprague	3231 South Adelle Circle
Christina/Leonardo Jimenez	11232 East Quicksilver Avenue
Anna Marie Denney	11231 East Quicksilver Avenue
Jean/Max Joseph	11250 East Quicksilver Avenue
Terresa Ferguson	11529 East Reuben Avenue
Connie Bailey	11511 East Renata Avenue
Sean McAeavy	710 East 2 <sup>nd</sup> Avenue
Bruce Hallsted	11438 East Roscoe Avenue
Frank Montano	11466 East Ramona Avenue
Sharon Tarango	11466 East Ramona Avenue
Barbara Porter	11435 East Prairie Avenue
Justin Gross	2288 East Smoke Tree Road
Mark/Joyce Davis	16011 South 222 <sup>nd</sup> Street
David Rawcliffe	15234 South Mountain Road
Carlos Sandoval	2928 South Wesley
Jennifer Sorensen	11529 East Redfield Avenue
David/Judith Rougeux	11466 East Reuben Avenue
Tom Robinson	11450 East Quarry Avenue
Michael Martin	9317 East Olla Avenue
Matt Tidwell	9308 East Obispo Avenue
Will Hallett	9344 East Osage

Chance/Tami Waite	3906 South Emery Circle
Denise Richardson	11256 East Rutledge Avenue
David/Rebecca Read	no address provided
Christopher Taylor	11431 East Rutledge Avenue

(Vice Mayor Kavanaugh declared a recess at 7:30 p.m. The meeting reconvened at 7:45 p.m.)

The following citizens, in order of appearance, spoke in opposition to the project:

Pete Martinez	3219 South Opal Circle
Ridge Hicks	11324 East Prairie Avenue
Keith Gasser	4355 South Adelle
Grace Ulrich	11543 East Ramona Avenue
Jeff Smoker	23128 East Galveston Street
Matt Jensen	11516 East Rutledge Avenue
Jennifer Bycott	11235 East Quade Circle
Sandra Doyle	22922 East Erie
Leslie Baney	11449 East Paloma Avenue
Russell Baker	11323 East Rutledge Avenue
Brian Pierce	3742 East Opal Avenue
Rosemary Mock	14703 South Mountain Road
Todd DeLabio	11257 East Pratt Avenue
Curry Brundrett	3945 South Oxley Circle
David Denney	11231 East Quicksilver Avenue
Villa Romain	11250 East Quicksilver Avenue
Mike Maier	3711 South Adelle
Linda Christensen	11539 East Ramblewood Avenue
Kynan Wynne	10420 East Plata Avenue
Don Self	46991 North Moeur Road, Queen Creek
Ireen Merwitz	11520 East Ramona Avenue

Citizens spoke in opposition to the project for the following reasons:

- Residential property values in the neighborhoods surrounding Mountain Road will decrease as a result of the facility.
- Mountain Road will become littered with debris that has blown out of the trash vehicles traveling to the solid waste transfer station.
- An increase in truck traffic along Mountain Road will increase the potential for accidents with the children who live in the surrounding neighborhoods.
- There will be increased air pollution in southeast Mesa.
- Residents who live three to four miles away from the proposed facility will also be affected by the increased truck traffic on Mountain Road.
- There is limited ingress/egress into the proposed site.
- The surface roads in the surrounding area are not designed for garbage trucks and the weight of the trucks will damage the surface of the roads.
- There was little, if any, community participation in the planning of the solid waste transfer station.

- The following items should be addressed prior to Council approval of the case: that the City post signs along Signal Butte Road, Elliot Road and Mountain Road that through traffic to the facility is prohibited; that the unnecessary idling of vehicles at the facility be reduced to a minimum; that the owner of the facility regularly clean the streets affected by the transfer station, and that the applicant should put in writing that there will be no expansion of the facility.
- The facility will bring a limited amount of jobs to the area as compared to a large corporation like TRW.
- Elliot Road, Signal Butte Road and Ellsworth Road are the only roads to access the surrounding residential neighborhoods and the proposed increase in truck traffic will only aggravate the already congested streets.
- A buffer zone is necessary between the transfer station and the residential neighborhoods.
- Many residents live off of Mountain Road to the east.
- The safety of school children being picked up/dropped off at bus stops along Mountain Road must be addressed.

Dan Reeb, 122 N. MacDonald Street, addressed the Council and voiced support for the transfer station. He commented that the project is an industrial use which supports not only residential development, but also further industrial development with respect to increasing Mesa's job base in the future. Mr. Reeb added that the case also complies with Mesa's General Plan.

There being no further citizens wishing to speak on this issue, Vice Mayor Kavanaugh declared the public hearing closed.

In response to a series of concerns expressed by the speakers, Mr. Pew clarified that it is not the intention of the applicant to increase the likelihood of injuries to any of the children in the surrounding neighborhoods as a result of enhanced truck traffic on Mountain Road. He explained that at the present time, neither Mountain Road nor Elliot Road are fully widened, but said as this portion of the City is developed, including the General Motors (GM) property, there will be alternative routes available to access the transfer station and not just Mountain Road. Mr. Pew noted that Mesa's General Plan designates virtually all of the land south of Williams Field Road to Pecos Road for industrial development, and that in a matter of years, the area north of the transfer station to Williams Field Road will be developed with industrial uses. He added that with regard to notification, the applicant provided notice to citizens within a two-mile radius of the facility, and if some of this evening's speakers live beyond that range and were not notified, he apologizes for the oversight.

Discussion ensued relative to the maximum weight load limit on Mountain Road and the fact that at the present time, Mountain Road cannot accommodate the weight of City garbage trucks.

Planning Director Frank Mizner addressed the Council and reiterated many of the comments previously made by Mr. Pew. He reported that this case comes to the Council with a recommendation of approval from staff for the following reasons: the transfer station is needed within the community; that the project meets all City Code requirements and will be considered by the Design Review Board should the Council approve the case, and that the case is compatible with existing uses in the area and also consistent with Mesa's General Plan.

In response to a series of questions from Councilmember Walters, Mr. Mizner clarified that the legal requirement for notification includes sending letters to adjacent property owners (within a 300-foot distance of the proposed development); posting the property with a Notice of Public Hearing, and also posting a Public Legal Notice in the newspaper. He added that in this case, it was staff's recommendation that the applicant notify residents within a two-mile radius of the transfer station. Mr. Mizner commented that should the Council approve this case, all of the stipulations which the applicant has agreed to would be incorporated into the zoning ordinance, and any violations (such as truck violators on Mountain Road that exceed the posted weight limit) would be subject to prosecution by the City.

Further discussion ensued relative to the applicant's efforts to mitigate groundwater contamination at the transfer station.

In response to a question from Councilmember Jones regarding the City's ability to minimize the impact of increased truck traffic along Mountain Road, Mr. Mizner clarified that at the present time, roadway access to this area is limited. He noted, however, that the 2025 Transportation Plan calls for a full network of arterial streets and parkways which will eventually extend throughout this area.

Councilmember Thom commented that most of the speakers this evening reside in her district, District 6, and she expressed sympathy for their concerns regarding the case. She also acknowledged Mr. Pew and Mr. Mizner for their efforts and hard work to respond to those concerns. Councilmember Thom expressed support for the transfer station and noted that it is an appropriate use for the area.

In response to a series of inquiries by Councilmember Whalen, Mr. Pew clarified that until Mountain Road is fully developed, the applicant has made a commitment that there will be a provision contained in every contract which the applicant enters into with a solid waste hauler that the drivers must use Ellsworth Road and Pecos Road to access the transfer station and that they will not use Mountain Road north of the facility when exiting the transfer station. He added that the applicant has also agreed to maintain Mountain Road between Pecos Road and Williams Field Road.

Councilmember Whalen voiced support for the case and noted that the transfer stations which he has visited recently in Oro Valley and Linden have been located in close proximity to residential areas, yet were very clean, well-run operations. He expressed appreciation to all of the speakers for their attendance and participation in the public hearing process. Councilmember Whalen added that his biggest concern relative to this project is the truck traffic on Mountain Road, and that the applicant's commitments to mitigate the congestion should hopefully alleviate many of the surrounding residents' concerns.

In response to a question from Councilmember Whalen, Mr. Pew advised that in addition to the above-referenced commitments, the applicant will also agree to participate in an existing community association which consists of neighborhood residents, industrial developers and representatives from Maricopa County and the Town of Queen Creek. He also encouraged citizens who reside north of Ray Road to participate in the association as well.

Councilmember Walters commended Vice Mayor Kavanaugh for the courtesy which he has extended to everyone at tonight's meeting. She reiterated the comments of Mr. Mizner that this

area of Mesa has been designated in the General Plan for industrial use and added that the Plan also addresses buffers and how to transition from one land use to another. Councilmember Walters expressed support for the case and emphasized that a solid waste transfer station is a clean operation and not a landfill. She urged the applicant to maintain his commitment to the residents along Mountain Road, and also encouraged staff to post signs along Mountain Road indicating, for example, "no truck traffic" and/or signs requiring lower weight limits until the road is fully developed.

It was moved by Councilmember Thom, seconded by Councilmember Whalen, that Zoning Case No. Z02-20 be approved and Ordinance No. 4000 adopted.

Vice Mayor Kavanaugh declared the motion carried unanimously by those present and Ordinance No. 4000 adopted.

10. Election items.

Vice Mayor Kavanaugh stated that on September 10, 2002, in conjunction with the Maricopa County Elections Department, the City of Mesa will hold a Special Election for Mesa voters to decide whether the City should proceed forward in its negotiations with the Tourism and Sports Authority (TSA) to become a host city for a Multipurpose Facility. He added that the voters will also consider Mesa's General Plan during the November 5, 2002 General Election.

In response to a series of questions from Vice Mayor Kavanaugh, City Clerk Barbara Jones advised that with regard to the November 5, 2002 General Election, arguments must be filed 90 days prior to the election; that the fee for filing an argument is \$250, and that the arguments must be filed in the City Clerk's Office by 5:00 p.m. on August 7, 2002. She also stated that with regard to the September 10, 2002 Special Election, August 12, 2002 is the deadline to register for early voting; that early voting begins August 8, 2002, and that because the City is consolidating its election with the Maricopa County Elections Department, citizens wishing to request an early ballot must contact Maricopa County at 602-506-1511. Ms. Jones added that since the September election is a partisan election, it will be necessary for voters to declare a party affiliation when requesting an early ballot.

11. Items from citizens present.

Dan Reeb, 122 N. MacDonald Street, addressed the Council and noted that relative to the Council's discussion this evening regarding funding City services, it is important to remember that in the March 2000 Primary Election, Mesa voters rejected approximately \$62 million in bonds to fund various Parks and Recreation and Capital Improvement Projects. He also stated the opinion that modifying utility rates and impact fees to fund City services should not be tax deductible.

12. Adjournment.

Without objection, the Regular Council Meeting adjourned at 9:03 p.m.

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KENO HAWKER, 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 1<sup>st</sup> day of July 2002. I further certify that the meeting was duly called and held and that a quorum was present.

\_\_\_\_\_  
BARBARA JONES, CITY CLERK

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Attachment