

COUNCIL MINUTES

August 30, 1999

The City Council of the City of Mesa met in a Regular Council Meeting in the upper level meeting room of the Council Chambers, 57 East 1st Street, on August 30, 1999 at 5:45 p.m.

COUNCIL PRESENT

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

COUNCIL ABSENT

None

POLICE OFFICER
PRESENT

Lyle Burton

OFFICERS PRESENT

C.K. Luster
Neal Beets
Barbara Jones

Invocation by Pastor Don Enevoldsen, Living Word Bible Church.

Pledge of Allegiance was led by Justin Connolly, Boy Scout Troop #350.

Presentation of the Don Cooper Memorial Award, and the R.R. Evans' Public Safety Award by President of the Mesa Public Safety Foundation.

Mayor Brown introduced former Councilmember and President of the Mesa Public Safety Foundation, Wayne Pomeroy; Bob Evans and Milt Lee, Founders of the Foundation, to the members of the audience. Representative Pomeroy provided the Council with background information relative to the Don Cooper Memorial Award and the R.R. Evans' Public Safety Award and presented the awards to Police Officer Ian Jarvis and Mr. Tanner DuBois for their life saving heroic efforts. President Pomeroy congratulated the recipients on their accomplishments.

1. Approval of minutes of previous meetings as written.

It was moved by Vice Mayor Giles, seconded by Councilmember Kavanaugh, that the minutes of July 6, and 15, and August 2, 1999 be approved.

Carried unanimously.

2. Consider all consent agenda items.

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

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

Carried unanimously.

3. Consider the following liquor license applications:

*a. MARY KHOURY, AGENT

Person transfer Beer and Wine Bar License for Mitchell's Ripe Tomato Café, 745 W. Baseline Road. This is an existing business and building. This transfer is from George A. Mitchell, Agent, Mitchell's of Mesa, Incorporated.

*b. TERRY R. LUCCHESI, AGENT

Location transfer Liquor Store License for Safeway Food & Drug #1637, 3622 E. Southern Avenue. This is a new building, which is currently under construction, no previous liquor licenses at this location. This transfer is from Safeway #000178, 5833 S. Central Avenue, Phoenix.

*c. KENNETH A. PETERSEN, AGENT

Person and location transfer Liquor Store License for Wal-Mart Supercenter #2768, 1955 S. Stapley Drive. This is a new building, which is currently under construction, no previous liquor licenses at this location. This transfer is from Mike Trivedi, Individual, Mikes Liquors, 4032 N. 19th Avenue, Phoenix.

*d. LEANOR P. PETERSON, AGENT

New Beer and Wine Store License for Arco AMPM, 363 S. Gilbert Road. This is an existing business and building. The Beer and Wine Store License previously held at this location by Sam J. Moccero, Agent, Prestige Stations, Incorporated will revert back to the State.

*e. NAJMUL HUSSAIN, AGENT

New Beer and Wine Store License for Beer World and Market, 1530 N. Country Club Drive, #20. This is an existing business and building. The Beer and Wine Store License previously held at this location by Linda Sue Lyons, Individual, Lyons Liquors will revert back to the State.

*f. JOHN JAY HESS, AGENT

New Beer and Wine Store License for Danny's Family Carousel #23, 1140 E. Baseline Road. This is a new building, which is currently under construction, no previous liquor licenses at this location.

*g. NANCY VALBORG GUGGISBERG, AGENT

New Restaurant License for Neighbors Garden Café, Gift & Floral Shop, 2740 S. Alma School Road, #13. This is an existing business and building. The Restaurant License previously held at this location by Chance B. Hibbard, Agent, Bleachers LLC discontinued business.

*h. EARL MARTIN SHIPMAN JR, AGENT

New Restaurant License for The 101 Grill, 2665 W. Guadalupe Road, #17. This is an existing business and building. The Restaurant License previously held at this location by Robin V. Musmacker, Etal, R&G Fabulous Fifty's discontinued business.

4. Consider the following contracts:

- *a. One-year renewal of the supply contract for sodium hypochlorite to be used for odor control at the waste water reclamation plants as requested by the Utilities Department.

The Purchasing Division recommends exercising the only one-year renewal option with the original low bid meeting specification by Hill Brothers Chemical Company at \$41,700.00 plus 7.0% sales tax of \$2,919.00 for a total of \$44,619.00 based on estimated requirements.

- *b. One-year renewal of the supply contract for helicopter airframe (rotor) parts and repairs as requested by the Police Department.

The Purchasing Division recommends exercising the first of two one-year renewal options with the original low bid by Seaside Helicopters, Inc. for annual purchases estimated at \$250,000.00.

- *c. Modular office work stations for remodeling of Transportation Division offices as requested by Public Works.

The Purchasing Division recommends authorizing purchase from State of Arizona contract with Goodman's Inc. at \$62,441.86 including materials, design services, delivery, installation and applicable sales tax.

- *d. One new hydraulic mower for Dobson Ranch Golf Course as requested by the Parks, Recreation & Cultural Programs Division.

The Purchasing Division recommends authorizing an additional purchase option from RFB #98096 with the low bid meeting specification by Horizon at \$32,299.00 plus 7.0% sales tax of \$2,260.93 for a total of \$34,559.93.

- e. Canal Multi-Use Path – Center Street to Horne. City of Mesa Project No. 99-18.

This project involves the installation of a new bike path along the Tempe and Consolidated Canals between Center Street and Horne.

Recommend award to low bidder, Hunter Contracting Company, in the amount of \$414,463.90.

Public Works Manager Jack Friedline advised Council that a revised bid in the amount of \$447,819.30 has been received from Hunter Contracting.

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

It was moved by Councilmember Pomeroy, seconded by Councilmember Davidson, that the recommendation of staff be approved.

Upon tabulation of votes it showed:

AYES - Brown-Davidson-Giles-Jaffa-Kavanaugh-Pomeroy

NAYS - None

ABSTAIN - Hawker

Mayor Brown declared the motion carried unanimously by those voting.

- f. Southern Avenue 12-inch Waterline, Ellsworth Road to East of 98th Street. City of Mesa Project No. 99-48.

This project involves the installation of a new waterline along Ellsworth Road.

Recommend award to low bidder, RegCon, Inc., in the amount of \$166,891.05.

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

It was moved by Councilmember Davidson, seconded by Vice Mayor Giles, that the recommendation of staff be approved.

Upon tabulation of votes it showed:

AYES - Brown-Davidson-Giles-Jaffa-Kavanaugh-Pomeroy

NAYS - None

ABSTAIN - Hawker

Mayor Brown declared the motion carried unanimously by those voting.

- g. Parks and Recreation East District Office and Maintenance Complex. City of Mesa Project No. 98-30.

This project involves the construction of a new district office and maintenance facility for the Parks and Recreation Division to be located at 6945 East Decatur Street.

Recommend award to low bidder, Barcon Corporation, in the amount of \$1,804,150.00.

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

It was moved by Councilmember Davidson, seconded by Vice Mayor Giles, that the recommendation of staff be approved.

Upon tabulation of votes it showed:

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

Mayor Brown declared the motion carried unanimously by those voting.

*h. Conceptual design for the 800 mhz trunked radio system.

Recommend award to Motorola, in the amount of \$423,679.00.

5. Introduction of the following ordinance and setting September 7, 1999 as the date of public hearing on these ordinances:

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

*a. Amending Title 2, Chapter 18 of the Mesa City Code by adding Sections 2-18-2, 2-18-3, 2-18-4, 2-18-5, and 2-18-6; and preserving rights and duties that already have matured and proceedings that already have begun under the existing procedures.

This ordinance adopts Rules of Procedure for the Personnel Appeals Board.

*b. Relating to Public Health, Safety and Transportation; amending Section 10-1-1 and adding a new section 10-1-18, to the Mesa City Code; and providing penalties for violations.

This ordinance establishes regulations for motorized skateboards.

*c. Amending Section 11-17-6 pertaining to the parking or storage of recreational vehicles in parks and subdivisions, and Section 8-6-3 pertaining to the storage of watercraft, utility trailers, camper shells, and truck campers on residential lots.

*d. **Z99-50** The 1200 and 1300 blocks of North 72nd Street (west side). Rezone from R1-35 to R1-15-PAD (28± acres). This case involves the development of a single residence subdivision.

*e. **Z99-53** The 500 block of West McKellips Road (south side). Rezone from C-3 to C-2 and Site Plan Modification (4.59 acres). This case involves the development of a mini-storage and gas station.

*f. **Z99-69** 280 West Southern Avenue. Rezone from C-2 to C-3 and Site Plan Review (2± acres). This case involves the development of a rental store.

*g. **Z99-70** West of the northwest corner of Baseline Road and Country Club Drive. Site Plan Modification (2± acres). This case involves the modification of a previous site plan in order to allow development of a Walgreen's store.

*h. **Z99-71** The northwest corner of Power and Thomas Roads. Site Plan Modification (3± acres). This case involves the development of a Walgreen's store.

- *i. **Z99-72** The northwest corner of Southern Avenue and Crismon Road. Rezone from R1-43 to C-2 (4.5 acres). This case involves the development of a Walgreen's store.
- *j. **Z99-73** The southeast corner of Crismon and Broadway Roads. Rezone from R1-9 (Conceptual C-2) to C-2 (1.5± acres). This case involves the development of a convenience store with gas station, car wash, and drive-thru restaurant.
- k. **Z99-74** The southeast corner of Hermosa Vista Drive and 80th Street. Rezone from R1-35 to R1-35-PAD (40± acres). This case involves the development of a custom home subdivision.

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

It was moved by Councilmember Kavanaugh, seconded by Councilmember Pomeroy, that the recommendation of staff be approved.

Upon tabulation of votes it showed:

AYES - Brown-Davidson-Giles-Hawker-Kavanaugh-Pomeroy

NAYS - None

ABSTAIN - Jaffa

Mayor Brown declared the motion carried unanimously by those voting.

- *l. **Z99-75** Lot 3 of "East Valley Auto Mall." Site Plan Review (4± acres). This case involves the development of an auto body repair shop.
- *m. **Z99-76** The northwest corner of McKellips Road and Harris Drive. Rezone from O-S and C-2 to C-1 (2.5 acres). This case involves the development of an office complex.
- *n. **Z99-77** The northwest corner of Greenfield Road and University Drive. Site Plan Modification (11± acres). This case involves a modification to an approved retail center to allow for the development of an Osco Drug.
- *o. **Z99-78** The southwest corner of Greenfield Road and Pueblo Avenue. Site Plan Modification (2± acres). This case involves a modification to a site approved for an assisted living facility to allow development of an office complex.
- *p. **Z99-79** The northeast corner of 24th Street and Mallory. Rezone from R1-35 to R1-15-PAD (20± acres). This case involves the development of a 36-lot single residence subdivision.

6. Consider the following resolutions:

- *a. Authorizing the City Manager to execute an Intergovernmental Agreement between the City of Mesa Unified School District #4 and the City of Mesa for the 1999-2000 funding of The Safe Schools Program - Resolution No. 7418.

- *b. Authorizing the City Manager to execute an Intergovernmental Agreement between the East Valley Institute of Technology and the City of Mesa for the 1999-2000 funding of the Safe Schools Program - Resolution No. 7419.
- *c. Authorizing the City Manager to execute an Intergovernmental Agreement between the City of Mesa and the Pima County Sheriff's Department for the funding of overtime for officer assigned to the Maricopa County Clandestine Lab Task Force - Resolution No. 7420.
- *d. Supporting the United States Census Bureau's desire to conduct a complete and accurate count of all Mesa's residents as of April 1, 2000 - Resolution No. 7421.

7. Consider the following ordinances:

- *a. **A99-1** Annexing the 8800 through 9000 blocks of Broadway Road (north and south) - Ordinance No. 3674.
- *b. Prohibiting parking on the east side of 22nd Place from Main Street to a point 1,300 feet north of Main Street, on the east side of Solomon from a point 220 feet south of Broadway Road to Third Avenue, and on the west side of Solomon from Broadway Road to a point 135 feet north of Broadway Road, as recommended by the Transportation Advisory Board - Ordinance No. 3675.
- *c. Amending the service area of the non-exclusive license Ordinance 3504 that was granted to Eagle West L.L.C. to construct, install, and operate lines, wires, coaxial cable and appurtenances for originating, receiving, distributing and supplying radio, television and other cable communication services along, across and upon the public streets, ways, alleys, and places within a portion of the City of Mesa - Ordinance No. 3676.

8. Consider the following case from the Planning and Zoning Board and possible adoption of the corresponding ordinance:

- *a. **Z99-45** The 2200 block of North Center Street (west side). Rezone from AG to R-2-PAD (7.8 acres). This case involves the development of a residential subdivision. D.R. Horton, Inc. owner/applicant; represented by Mark Allen. CONTINUED FROM THE JULY 19, 1999 CITY COUNCIL MEETING. A $\frac{3}{4}$ VOTE IS REQUIRED TO APPROVE THIS REQUEST. **THE APPLICANT HAS REQUESTED THAT THIS CASE BE WITHDRAWN.**

P & Z Recommendation: Approval with conditions (vote: Passed 5-1, Parker nay).

1. Compliance with the basic development as described in the project narrative and as shown on the site plan, preliminary plat and elevations submitted, except as noted below.
2. Compliance with the Residential Development Guidelines, regarding building elevations, perimeter wall design and entry monumentation.
3. Compliance with all City development codes and regulations.
4. Compliance with all requirements of the Public Works Department (Engineering and Traffic Engineering, etc.).
5. Dedicate the right-of-way required under the Mesa City Code at the time of 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. Compliance with all requirements of the Subdivision Technical Review Committee.

7. Written notice be provided to future residents, and acknowledgement received that the project is adjacent to the future freeway, Mesa's police firing range, and existing radio towers.
8. Provide an 8 foot high sound-attenuation wall along the property line shared with the future freeway; design details to be approved by the City of Mesa and the Arizona Department of Transportation prior to construction.
9. Houses adjacent to the freeway to be restricted to one story.
10. Houses on the southern perimeter to be restricted to one story.

9. Consider the following subdivision plats:

- *a. "SUPERSTITION LAKES – UNIT 2" – The 6500 block of East Superstition Springs Boulevard (south side) 94 C-2-BIZ-CUP-DMP condominium units (4.2 acres). UP Superstition Springs, Inc., developer; Val-Tec, Inc., engineer.
- *b. "MAP OF DEDICATION FOR STONE CANYON APARTMENTS" The 5300 block of East Southern Avenue (south side). Prime Group, Inc., developer; JMA Engineering Corporation, engineer.
- *c. "MAP OF DEDICATION FOR MOUNTAIN RANCH" – The 11200-11600 blocks of East Elliot Road (south side). Kaufman & Broad of Arizona, Inc., developer; DEI Professional Services, engineer.

10. Items from citizens present. (Maximum of three speakers for three minutes per speaker.)

Mayor Brown stated that there were no items from citizens present.

11. Adjournment.

Without objection, the Regular Council Meeting adjourned 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 30th day of August 1999. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this ____ day of _____ 1999

BARBARA JONES, CITY CLERK