

COUNCIL MINUTES

August 4, 1997

The City Council of the City of Mesa met in a Regular Council Meeting in the upper level of the Council Chambers, 57 East 1st Street, on August 4, 1997, at 5:45 p.m.

COUNCIL PRESENT

Mayor Wayne Brown
Pat Gilbert
Dennis Kavanaugh
Joan Payne
Wayne Pomeroy
Jim Stapley

COUNCIL ABSENT

John Giles

POLICE OFFICER
PRESENT

Scott Martin

OFFICERS PRESENT

C.K. Luster
Neal Beets
Barbara Jones

Mayor Brown excused Councilmember Giles from the meeting.

The Invocation was given by President R. Wayne Johnson of The Church of Jesus Christ of Latter Day Saints.

The Pledge of Allegiance was led by John Kapeliela, Troop 858.

1. Approval of minutes of previous meetings as written.

It was moved by Councilmember Pomeroy, seconded by Councilmember Stapley, that the minutes of July 21, 23, and 25, 1997, be approved.

Mayor Brown declared the motion carried unanimously by those present.

2. Consider all consent agenda items.

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

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

Mayor Brown declared the motion carried unanimously by those present.

3. Consider the following liquor license applications:

*a. MARY D. DENZER, INDIVIDUAL

Person transfer Beer and Wine Bar License for Mother's Pizza, 1352 E. Broadway Road. This transfer is from Andrew E. Wrenn, Owner, Mother's Pizza to Mary D. Denzer, Owner, Mother's Pizza.

*b. RONALD D. LORENZO, AGENT

Person and Location transfer Liquor Store License for Albertson's #980, 1951 W. Baseline Road. This transfer is from Michael K. Peterson, Agent, Southwest Supermarkets, Inc., 5542 E. Thomas Road, Phoenix, to Ronald D. Lorenzo, Agent, Albertson's, Inc., 1951 W. Baseline Road, Mesa.

*c. JEFFERY ALAN BICK, AGENT

New Beer and Wine Store License for K-Mart #3188, 2840 E. Main Street. The license previously held at this location by Gailen Lyman, Agent, K-Mart #3188, did not renew their 1992 Liquor License.

*d. JEFFERY ALAN BICK, AGENT

New Beer and Wine Store License for K-Mart #3670, 5833 E. McKellips Road. This is an existing business, no previous liquor licenses at this location.

*e. JEFFERY ALAN BICK, AGENT

New Beer and Wine Store License for K-Mart #4387, 1920 W. Broadway Road. The license previously held at this location by Gailen Lyman, Agent, K-Mart #4387, did not renew their 1991 Liquor License.

*f. JEFFERY ALAN BICK, AGENT

New Beer and Wine Store License for K-Mart #7655, 1445 S. Power Road. This is an existing business, no previous liquor licenses at this location.

*g. BARRY R. JACOBS, AGENT

New Restaurant License for Famous Sams, Northwest Corner Baseline and Lindsay Roads. This is a new business, no previous liquor licenses at this location.

*h. NELSON BENNETT ROUSH, AGENT

New Restaurant License for Famous Sams #20, 2860 E. Main Street, Suites 111-114. The license previously held at this location by Robert W. Kunkle, Agent Kunkle Korp., will revert back to the State.

i. JAMES MICHAEL DEMASI, AGENT

New Restaurant License for Mondo A Go-Go, 1010 W. Southern Avenue. The license previously held at this location by Gary Dennison Cicci, Agent, Cal-Hop, LLC, will revert back to the State.

James Michael Damasi, 7701 East Osborne Road, Scottsdale, the applicant in this case, addressed the Council relative to this agenda item.

In response to questions posed by Vice Mayor Gilbert relative to the failure of the establishment to meet required restaurant food sales criteria, Mr. Damasi stated that an 'all you can eat' buffet has been implemented. Mr. Damasi commented on his intention to serve lunch beginning the end of August and expressed the opinion that the facility will comply with required food sale percentages in the future.

Vice Mayor Gilbert stated that in his opinion it appears unlikely that the applicant will meet required food sale levels in the future.

It was moved by Vice Mayor Gilbert, seconded by Councilmember Pomeroy, that the Council recommend to the State Liquor Board that the New License application be denied for the following reasons: (1) the facility's inability to meet minimum food sale requirements for issuance of a restaurant license; (2) live entertainment exists on the premises; (3) pool tables and a substantial number of televisions are present in the establishment; (4) signage utilizes the terms 'night club' and 'lounge' in the establishment, and (5) in excess of 60% of the premises is set up to be used primarily for the consumption of alcohol.

Mayor Brown declared the motion carried unanimously by those present.

*j. MARK ALLEN MILLER, AGENT

New Restaurant License for Rush St. Pizzeria & Grill, 319 S. Power Road. This is a new business, no previous liquor licenses at this location.

4. Consider the following contracts:

- * a. One-year renewal of the annual supply contract for internally illuminated street name signs as requested by the Transportation Division.

The Purchasing Division recommends exercising the second and final one year renewal option with the low bidder, Fluoresco Lighting-Sign, for annual purchases estimated at a maximum of \$100,000.00.

- *b. 300 steel refuse containers as requested by the Solid Waste Collection Services Division. These containers are used for multi-family residential, commercial and industrial accounts.

The Purchasing Division recommends accepting the low bid by D & L Fabricating at \$137,700.00 plus 7.05% sales tax of \$9,707.85 for a total of \$147,407.85.

- *c. Class 400 and 10,000 gas meters for warehouse inventory as requested by the Utility Services Division. The gas meters are used for commercial and residential gas accounts.

The Purchasing Division recommends accepting the low bid as follows:

Item 1 to Crow Company at \$19,575.00 plus 7.05% sales tax of \$1,380.03 for a total of \$20,955.03; and

Item 2 to DMD Dresser Measurement at \$4,602.00 plus 5% use tax of \$230.10 for a total of \$4,832.10. The combined award is then \$25,787.13.

- *d. Twenty modular employee workstations as requested by the City Court.

Council is requested to authorize purchase from the State of Arizona contract with Goodman's Inc. for a total of \$72,123.19 including materials, design services, delivery, installation and applicable sales tax.

- *e. Two hundred five modular employee and public workstations as requested by the Library.

Council is requested to authorize purchase from the State of Arizona contract with Goodman's Inc. for a total of \$302,521.51 including materials, design services, delivery, installation and applicable sales tax.

- *f. Shelving for the main library expansion and remodeling project as requested by the Library Division.

The Purchasing Division recommends accepting the low bid by Arizona School Furnishings at \$220,989.26 including materials, installation, labor and applicable sales tax on materials.

- g. Dobson Ranch Park Improvements.

(Mayor Brown advised that agenda items 4g and 4h will be considered as a combined issue.)

This project consists of installing improvements at Dobson Ranch Park. This existing park is located just east of Dobson Road approximately midway between Guadalupe Road and Baseline Road adjacent to the Dobson Ranch Library.

Recommend award to AC Taylor Contracting, in the amount of \$200,382.75.

- h. Silvergate Park Improvements.

This project consists of installing new improvements in Silvergate Park which is located north of Southern Avenue and east of Gilbert Road.

Recommend rejection of previous award to Covenant Group and award instead to Krisdan Company, Inc., in the amount of \$223,455.00.

Tom Crowe, 1100 East Washington, Phoenix, an attorney representing the Covenant Group, the low bidder on this project, spoke in opposition to awarding the bids in agenda items 4g and 4h in accordance with staff's recommendations. Mr. Crowe stated the opinion that a Class A General Contractor's license should not be required to perform the proposed work. Mr. Crowe added that the Covenant Group is qualified to carryout the terms of the contract under the company's current license and will be less expensive than the second lowest bidder.

City Attorney Neal Beets informed the Council that a protest was filed relative to the awarding of the Dobson Ranch Park contract to the Covenant Group, based on the fact that the Group does not possess a Class A General Contractor's license. Mr. Beets advised that in response to a request for a determination on this matter that was forwarded to the State Registrar of Contractors, staff was advised that the Covenant Group's license is inadequate to perform the scope of work required in accordance with the proposed contract.

It was moved by Councilmember Pomeroy, seconded by Vice Mayor Gilbert, that the recommendations of staff be approved. **(Agenda items 4g and 4h.)**

Upon tabulation of votes, it showed:

AYES - Gilbert-Kavanaugh-Payne-Pomeroy
NAYS - Brown-Stapley
ABSENT - Giles

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

i. Mesa Cemetery Expansion.

This project consists of installing site improvements on City owned land to expand the existing cemetery.

Recommend award to low bidder, CS Construction, in the amount of \$656,286.00.

It was moved by Councilmember Pomeroy, seconded by Councilmember Stapley, that the recommendation of staff be approved and that staff work with the contractor in an effort to initiate a change order to include additional landscaping (chain link fence, hedge and grass) at the Mesa City Cemetery.

Mayor Brown noted that should staff be unable to reach an agreement with CS Construction to perform the additional landscaping work at the cemetery, the expanded project will be rebid as a

separate item in the future. Mayor Brown added that staff estimates the additional work will cost approximately \$200,000.

Mayor Brown declared the motion carried unanimously by those present.

*j. Transportation Addition at the East Mesa Service Center.

This project consists of constructing a building addition to the existing Fleet Support/Transportation Building at the East Mesa Service Center.

Recommend award to low bidder, the Achen-Garner Companies, in the amount of \$376,700.00.

*k. 90 Sign Brackets as requested by Solid Waste and Facilities

The brackets will be installed on 45 refuse trucks and be used to hold signs which advertise various solid waste programs.

The Purchasing Division recommends accepting the only bid by Roadway Display, Inc., at \$20,250.00 plus 5% use tax of \$1,012.50 for a total of \$21,262.50.

Councilmember Kavanaugh noted that at the Council Study Session preceding the Regular Council Meeting, staff was directed to order 10 brackets rather than the originally recommended 90.

*l. Fueling System Stage II Vapor Recovery.

This project consists of installing vapor recovery equipment on the existing fueling system at the East Mesa Service Center.

Recommend award to low bidder, The Weber Group, in the amount of \$32,455.21.

*m. Country Club Drive Water Line and Gas Line Relocations.

This project consists of replacing an existing water line and gas line along Country Club Drive at the future Red Mountain Freeway crossing north of McKellips Road.

Recommend award to low bidder, The Achen-Gardener Companies, in the amount of \$338,603.50.

*n. Lindsay Road Reservoir Valve Replacement.

This project consists of replacing existing valves at the Lindsay Road reservoir pump station located just west of the Eastern Canal and north of Adobe Road.

Recommend award to low bidder, LOR Construction, Inc., in the amount of \$115,180.00.

- *o. One replacement high volume copier as requested by the Public Works Department.

The Purchasing Division recommends authorizing purchase from the State of Arizona contract with Danka Business Systems at \$16,733.52 plus 7.45% sales tax of \$1,246.65 for a total of \$17,980.17.

5. Introduction of the following ordinances and setting August 25, 1997, as the date for the public hearing on these ordinances.

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

- *a. Amending Section 8-6-2 of the Mesa City Code pertaining to public nuisances and property maintenance.
- *b. Amending Sections 11-14-3 and 11-18-8 of the Zoning Ordinance relating to the Design Guidelines and the Design Review Board.
- *c. **Z97-58** The northeast corner of Brown Road and Greenfield Road. Site Plan Modification (14± acres). This case involves the development of a Walgreens.
- *d. **Z97-62** The 1800 - 1900 block of East Kael Street (both sides). Rezone from AG to R1-15 (2± acres). This case is to allow development of 2 single residence lots.
- *e. **Z97-63** 1452 South Ellsworth Road. Modification of an approved PAD and rezone from C-3 to R-2-PAD (1± acre). This case involves the expansion of Valle del Oro Mobile Home Park in order to add amenities.
- *f. **Z97-64** The 8500 block of East Southern Avenue (south side of frontage). Rezone from R-2-PAD to C-3 (1± acre). This case involves the development of adequate access for a mini-storage facility.
- *g. **Z97-65** The 3300 and 3400 blocks of North Power Road (west side). Rezone from R1-9 (Conceptual R-3) and R1-90 to R1-6-PAD (21± acres). This case involves the development of patio homes.
- *h. **Z97-66** The 2000 and 2100 blocks of South Superstition Springs Blvd (west side). Rezone from C-2-DMP to R-2-PAD-DMP (15± acres). This case involves the development of patio homes.
- *i. **Z97-68** 4616 East Southern Avenue. Rezone from AG to R-4 (1± acre). This case involves the conversion of an existing residence to a hospice.
- *j. **Z97-69** The southeast corner of Grove Avenue and Westwood. Site Plan Review (2.6 acres). The case involves development of a 3 story Residence Inn.
- *k. **Z97-70** The southeast corner of Val Vista Drive and Hampton Avenue. Rezone from C-2 to

C-1 (4± acres). This case involves development of an assisted living facility.

- *l. **Z97-72** The southeast corner of Baseline Road and Ellsworth Road. Modification of an approved DMP and rezone from R1-7-DMP to R1-9, R1-9-PAD, R1-7, R1-6, R1-6-PAD, R-2, R-3 and C-2 with a DMP overlay (637± acres). This case involves the establishment of zoning for the "Augusta Ranch" Development Master Plan.
- *m. **Z97-74** 8865 East Baseline Road. Modification of an approved PAD (630± acres). This case involves a modification to approved setbacks and zoning conditions for "Monte Vista".
- *n. Prohibiting eastbound left turns onto Power Road from the driveway with centerline located approximately 365 feet north of Baywood Avenue as recommended by the Traffic Safety Committee.

6. Consider the following resolutions:

- *a. Granting a public utility easement to U.S. West Communications at Silvergate Park located in the 2100 block of East Enid - Resolution No. 7087.

This easement is necessary to install equipment necessary to upgrade the telephone service for this area.
- *b. Granting an irrigation easement to Salt River Project at the southwest corner of Val Vista Drive and Broadway Road - Resolution No. 7088.

This easement is necessary for the relocation of irrigation structures and pipelines.
- *c. Extinguishing a portion of a public utility easement at 1520 East Elmwood - **CONTINUED TO THE AUGUST 25, 1997, REGULAR COUNCIL MEETING.**

This easement is not being used and is no longer necessary.
- *d. Authorizing the City Manager to execute an Intergovernmental Agreement with the Arizona Department of Commerce for \$49,932 in weatherization funds to serve 25 low-income Mesa households - Resolution No. 7089.

7. Consider the following cases from the Planning & Zoning Board and possible adoption of the corresponding ordinances:

- a. **Z97-46** The northeast corner of Baseline Road and Vineyard. Site Plan Modification (9.9± acres). This case involves the development of a Fry's shopping center. Fry's Food Stores, owner; Kurt D. Reed Associates, applicant. **CONTINUED FROM THE JULY 21, 1997 CITY COUNCIL MEETING** - Ordinance No. 3375.

P & Z Recommendation: Approval With Conditions (vote 4 - 1, Shipley nay).

1. Compliance with the basic development as shown on the site plan and elevations submitted, except as noted below;
2. Compliance with all requirements of the Public Works Department (Engineering and Traffic Engineering, etc.);

3. Dedicate the right-of-way required under the Mesa City Code at the time of application for a building permit, or at the time of the City's request for dedication whichever comes first; and
4. Compliance with all requirements of the Design Review Board.

Kirby Allan, 2043 East Hackamore, offered comments unrelated to the agenda item.

Paul Price, representing the architectural firm Kirby & Associates, addressed the Council on behalf of Fry's Food Stores. Mr. Price noted that the Planning and Zoning Board approved the proposal 4 to 1 and added that the Design Review Board unanimously supported the project. Mr. Price reported that the property under discussion is zoned commercial and expressed the opinion that the development of a Fry's Food Store on the site is appropriate. Mr. Price urged the Council to approve the applicant's request.

Councilmember Kavanaugh commended the applicant on his efforts relative to this project. Councilmember Kavanaugh noted that the proposed use is permitted in accordance with current zoning, but stated the opinion that the development of a food store at that location is not the best use for this particular site. Councilmember Kavanaugh indicated that he would not support the proposal.

It was moved by Councilmember Pomeroy, seconded by Councilmember Stapley, that Ordinance No. 3375 be adopted.

Vice Mayor Gilbert concurred with Councilmember Kavanaugh's comments and questioned whether the development of a Fry's Food Store is the most appropriate use for this particular site. Vice Mayor Gilbert expressed the opinion that the Council should initiate every effort to ensure that development of this site generates maximum job development.

Upon tabulation of votes, it showed:

AYES - Brown-Payne-Pomeroy-Stapley
NAYS - Kavanaugh- Gilbert
ABSENT - Giles

Mayor Brown declared the motion carried by majority vote of those present and Ordinance No. 3375 adopted.

- b. **Z97-52** The 3400 and 3500 blocks of East Broadway (south side). Rezone from C-2 to R-2-PAD (10.36 acres). This case involves the development of an 89 unit townhouse subdivision. Mesa - Val Vista L.P., owner; Del Pueblo Homes, Inc., applicant. **CONTINUED FROM THE JULY 21, 1997 CITY COUNCIL MEETING** - Ordinance No. 3376.

P & Z Recommendation: Approval With Conditions (vote 5 - 0).

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

Gary Fuchs, 3540 East Capri, spoke in opposition to the development of the proposed 89 unit townhouse subdivision. Mr. Fuchs stressed the importance of developing extensive retail establishments in the area to meet the requirements of the current residents.

Patrick Lannen, 2155 East University Drive, Suite 210, the applicant and President of Del Pueblo Homes, expressed the opinion that the proposed single story, single family residential housing is appropriate for the area. Mr. Lannen informed the Council that additional vacant land exists in the neighborhood for retail development and urged the Council to support the proposal.

It was moved by Vice Mayor Gilbert, seconded by Councilmember Stapley, that Ordinance No. 3376 be adopted.

Upon tabulation of votes, it showed:

AYES - Brown- Gilbert-Kavanaugh-Pomeroy-Stapley
NAYS - Payne
ABSENT - Giles

Mayor Brown declared the motion carried by majority vote of those present and Ordinance No. 3376 adopted.

8. Consider the following subdivision plats:

- *a. "HARRIS PARK"- The 1600 through 1800 blocks of East McKellips Road (north side) 108 R1-9-PAD single residence lots (47.3 acres). Maracay Homes Arizona I, L.L.C., developers; Infinity Engineering Services Ltd., engineer.
- *b. "MAHOGANY" - The 4000 through 4200 blocks of East Brown Road (south side) 84 R1-15-PAD single residence lots (59.86 acres). Taro Properties Arizona I, LL.C., developer; Sage Engineering Corporation, engineer.

9. Adjournment.

It was moved by Councilmember Stapley seconded by Councilmember Pomeroy, that the Regular Council Meeting adjourn at 6:37 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 4th day of August 1997. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 28th day of August 1997

BARBARA JONES, CITY CLERK