

COUNCIL MINUTES

July 21, 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 July 21, 1997 at 5:45 p.m.

COUNCIL PRESENT

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

COUNCIL ABSENT

None

POLICE OFFICER PRESENT

Scott Martin

OFFICERS PRESENT

C.K. Luster
Neal Beets
Barbara Jones

The Invocation was given by Reverend Bruce E. Miller, Central Christian Church.

The Pledge of Allegiance was led by John Wells, Troop 10.

1. Approval of minutes of previous meetings as written.

It was moved by Councilmember Pomeroy, seconded by Councilmember Stapley, that the minutes of July 7, 10, and 15, 1997, 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 Councilmember Pomeroy, seconded by Councilmember Stapley, that the consent agenda items be approved.

Carried unanimously.

3. Conduct a public hearing for the following General Plan amendment:

- a. **GP97-1** The northeast corner of Southern Avenue and Signal Butte Road (60± acres). Proposed change to the General Plan Land Use Map from Community Commercial (CC) to Medium Density Residential (MDR) and Neighborhood Commercial (NC). (See item No. 7b).

Mayor Brown announced that this is the time and place for a public hearing regarding a General Plan amendment.

There being no speakers present wishing to speak on this issue, the Mayor declared the public hearing closed.

4. Consider the following liquor license applications.

*a. JOSEPH L. FURNARI, INDIVIDUAL

New restaurant license for La Comida Ranchera Mesa, 1052 West Broadway Road. The beer and wine bar license previously held at this location by Rolland Healy, owner, La Comida Ranchera will remain with the previous owner.

*b. TIMOTHY N. DESANTI, AGENT

New domestic micro brewery license for Brew Haus Brew Your Own, 2025 South Alma School Road, Suite 4. This is a new business, no previous liquor licenses at this location.

5. Consider the following contracts.

- * a. One-year renewal of the annual supply contract for tires in warehouse inventory for use on City vehicles as requested by Fleet Support Services.

The Purchasing Division recommends exercising the first of two one-year renewal options with the original low bids meeting specification as follows:

Categories 1, 2b, & 8 to Charlie Case Tire Company at \$38,523.00 plus 7.05% sales tax of \$2,715.87 for a total of \$41,238.87; Category 2a to Redburn Tire at \$37,901.60 plus 7.05% sales tax of \$2,672.06 for a total of \$40,573.66; Categories 3, 4 & 7 to Western States Tire at \$36,814.70 plus 7.05% sales tax of \$2,595.43 for a total of \$39,410.13; and Categories 5 & 6 to Roberts' Tire Sales at \$203,157.48 plus 7.45% sales tax of \$15,135.23 for a total of \$218,292.71. The combined award is then \$339,515.37.

- *b. One-year renewal of the annual supply contract for gasoline and diesel fuel for City vehicles as requested by Fleet Support Services. This contract is a cooperative bid with Mesa Unified School District No. 4.

The Purchasing Division recommends exercising the only two-year renewal option with the original low bidder, Phoenix Fuel Company. The City's portion of the total annual purchases is estimated at \$1,046,441.00 (including applicable tax).

- *c. Ten traffic signal controller cabinets for warehouse inventory as requested by the Transportation Division.

The Purchasing Division recommends accepting the low bid meeting specification by Econolite Control Products, Inc. at \$112,500.00 plus 5% use tax of \$5,625.00 for a total of \$118,125.00.

- *d. Deleted.

- *e. Stapley park improvements.

This project consists of installing improvements at Stapley park.

Recommend award to low bidder, AC Taylor Contracting, in the amount of \$97,586.00.

- *f. Gas line extension on McKellips Road, Power to Ellsworth and McDowell Road, Power Road to CAP Canal.

This project consists of installing a new 4-inch steel gas line on McKellips Road from Power Road to Ellsworth Road, a new 4-inch polyethylene (P.E.) gas line on McKellips Road from Ellsworth Road east approximately one-half mile, and a new 4-inch polyethylene (P.E.) gas line on McDowell Road from Power Road to the CAP canal.

Recommend award to low bidder, Arizona Pipeline Company, in the amount of \$174,029.56.

- g. Falcon Field equipment building.

This project consists of the construction of a new equipment building at Falcon Field Airport.

Recommend award to low bidder, the Gateway Group, in the amount of \$387,789.20.

Luule Brandofino, 61 South Macdonald, spoke in opposition to the construction of a new equipment building. Ms. Brandofino questioned the cost of the facility and its use. Ms. Brandofino expressed concern relative to the high-density of residential homes surrounding the airport.

Community Development Manager Wayne Balmer explained that the new facility would house equipment used to maintain the airport. Mr. Balmer noted that the proposed cost of construction would include a storage area, an outside storage area, a parking lot, and screening walls. Mr. Balmer said that currently equipment is stored in a hangar and noted the high demand for the hangar. Mr. Balmer added that State assistance would provide funds for 90 percent of the cost of construction.

Mayor Brown thanked Ms. Brandofino for her input.

It was moved by Vice Mayor Gilbert, seconded by Councilmember Kavanaugh that the construction of a new equipment building at Falcon Field Airport be approved.

Carried unanimously.

6. Introduction of the following ordinances and setting August 4, 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. **Z97-25** The 800 through 1100 blocks of West Southern Avenue (south side). Site Plan Review (29± acres). This case involves a proposed retail power center and a concept for future hotel/office development. **APPLICANT HAS REQUESTED THAT THIS CASE BE TABLED.**

7. Consider the following resolutions.

- * a. Approving and authorizing the City Manager to execute an agreement between Maricopa County and the City of Mesa for Special Transportation Service (STS). Resolution No. 7081.

This program provides transportation services to individuals in the community who either cannot afford Dial-a-Ride, do not have access to Dial-a-Ride service or whose physical condition prohibits use of the Dial-a-Ride system.

- b. Adopting an amendment to the General Plan that would change a 60± acre parcel from Community Commercial (CC) to Medium Density Residential (MDR 52± acres) and Neighborhood Commercial (NC 8± acres) - Resolution 7086.

This change would accommodate a single-residential subdivision and future retail.

It was moved by Councilmember Pomeroy, seconded by Councilmember Stapley, that Resolution No. 7086 be adopted.

Carried unanimously.

- *c. Authorizing the City Manager to execute an Intergovernmental Agreement on behalf of the City of Mesa with Mesa Unified School District No. 4 - Resolution No. 7082.

This agreement will continue the sharing of appropriate staff and data resources between the City and Mesa Schools.

- * d. Authorizing the City Manager to execute an agreement on behalf of the City of Mesa with the Maricopa County Department of Transportation and the Town of Gilbert for the installation and maintenance of a traffic signal system at the intersection of Guadalupe and Power Roads - Resolution No. 7083.

- *e. Authorizing the use of eminent domain to acquire property along Ray Road, Power Road to Sossaman Road - Resolution No. 7084.

This property is needed to widen and improve Ray Road.

- *f. Authorizing the use of eminent domain to acquire property needed to improve South Stapley Drive, Baseline to U.S. 60 - Resolution No. 7085.

This property is needed to realign and improve South Stapley Drive.

8. Consider the following ordinances.

- a. Amending the Zoning Ordinance relating to historic preservation, to the preservation of historic properties, buildings, structures, objects and landmarks by amending sections 11.-12.1-1, 11-12.1-2, 11-12.1-4, 11-12.1-5, 11-12.1-7, 11-12.1-8, and 11-18-9; and by adding Title 11, Chapter 18, Mesa City Code Section 10 and adding Title 2, Chapter 22 - Ordinance No. 3373.

Jim Davidson, 2542 East Lynwood, Chairman of the Downtown Development Committee, spoke in support of the development of a historical preservation committee. Mr. Davidson noted the importance of a committee that would encompass the entire City.

Ronald Peters, 2754 East Kael, Vice Chairman Historical Preservation Subcommittee, expressed the opinion that a historical preservation committee would assist in maintaining historical sites throughout the City. Mr. Peters suggested that the committee consist of a diversified group of citizens.

Victor Linoff, 820 North Robson, Former Chairman of the Historical Preservation Subcommittee, indicated support of the proposed ordinance and noted the importance of establishing a committee.

Councilmember Kavanaugh stated support of the proposed ordinance and commended staff and the Downtown Development Committee for their efforts.

It was moved by Councilmember Kavanaugh, seconded by Vice Mayor Gilbert, that Ordinance No. 3373, be adopted.

Upon tabulation of votes, it showed:

AYES - Brown-Gilbert-Giles-Kavanaugh-Pomeroy-Stapley
NAYS - Payne
ABSENT - None

Mayor Brown declared the motion carried by majority vote and Ordinance No. 3373 adopted.

- *b. Amending Section 11-18-6 of the Mesa City Ordinance as it relates to zoning fees Ordinance No. 3367.

*9. Consider approving a proposed cooperative marketing agreement between Champlin Fighter Museum, the Mesa Convention and Visitor's Bureau and the City of Mesa as recommended by the Transportation Committee.

* 10. Authorizing the City Manager to enter into a contract with the Mesa Convention & Visitors Bureau to continue promoting tourism and convention business in Mesa.

10.1. Consider the following recommendations from the General Development Committee.

- *a. Recommend staff be directed to issue a Request for Proposals for the expansion of the First United Methodist Church located at 15 East First Avenue, that the previously proposed allocated City funding, in an amount not to exceed \$150,000, be reaffirmed and utilized for specific ancillary expenses (moving allowances, demolition, etc.), and that the City's participation in the project be limited to that of a facilitator rather than a financier.
- *b. Recommend staff be directed to issue a Request for Proposals for an 80-room hotel to be located at the southwest corner of Main Street and LeSueur Street.
- *c. Recommend staff be directed to issue a Request for Proposals for the expansion of Mesa Cold Storage located at 146 South Country Club Drive.

11. Considering the following cases from the Planning and Zoning Board and possible adoption of the corresponding ordinances.

- a. **Z96-95** The northeast corner of Hawes Road and Guadalupe Road. Rezone from AG to R1-7-PAD and conceptual R-3 and C-2 with a DMP overlay (155± acres). This case involves a development containing approximately 360-single residence lots and tracts for future multi-residence and commercial uses. Acacia East Valley Limited Partnership, owner; Standage & Truitt Engineering, Ltd.; applicant – Ordinance No. 3374.

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

1. Compliance with the basic development as shown on the site plan and elevations submitted, except as noted below;
2. Compliance with all requirements of the Public Works Department (Engineering and Traffic Engineering, etc.);
3. 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;
4. Compliance with all requirements of the Subdivision Technical Review Committee;
5. Owner granting an Avigation Easement and Release to the City, pertaining to Williams Gateway Airport which will be prepared and recorded by the City (concurrently with the recordation of the final subdivision map, prior to the issuance of a building permit);
6. Written notice be provided to future residents, and acknowledgment received that the project is within four miles of Williams Gateway Airport;
7. Noise attenuation measures be incorporated into the design and construction of the homes to achieve a noise level reduction of 25 db;
8. Compliance with the project narrative;
9. The east lots on the northern most cul-de-sac adjacent to the freeway right-of-way be deleted and additional open space provided;
10. Home elevations subject to staff review at time of Subdivision Technical Review;
11. No building permits to be issued for production homes for a period of 14 months following Council adoption of the zoning ordinance.

Ralph Pew, 40 North Center, representing Acacia East Valley Partnership, spoke regarding four factors: 1) the property is located within General Plan of medium-high density, 2) neighbors are in agreement with the proposal; 3) questionable elevations by Pulte Homes will be reviewed by the Planning and Zoning staff and board; and 4) lot size is at low end of the density.

Councilmember Giles commended the applicant for conforming with the General Plan but noted opposition to the General Plan and stated support of the proposed residential development guidelines. Councilmember Giles noted concern relative to the large percentage of small lots and their effects on the neighborhood. Councilmember Giles indicated opposition to the project.

In response to questions from Vice Mayor Gilbert, Mr. Pew explained that increased single-family residences and additional open space has been designed to assist in developing a quality neighborhood.

Vice Mayor Gilbert indicated concern relative to secondary and tertiary property owners and the proposed products.

Mr. Pew stated that the quality of the housing would assist in sustaining the community and explained proposed elevations and stipulations that would be placed on the builders.

Mayor Brown noted that staff originally recommended apartments but due to neighborhood concerns the applicant agreed to single-family residences. Mayor Brown expressed the opinion that the developer has reasonably complied with the neighbors and staff. Mayor Brown indicated support of the proposal.

It was moved by Councilmember Pomeroy, seconded by Councilmember Stapley that Ordinance No. 3374, be adopted.

Upon tabulation of votes, it showed:

AYES - Brown-Gilbert-Kavanaugh-Payne-Pomeroy-Stapley
NAYS - Giles
ABSENT - None

Mayor Brown declared the motion carried by majority vote and Ordinance No. 3374 adopted.

*b. **Z97-14** The 1700 - 1900 blocks of South Greenfield Road (east side). Rezone from C-2-PAD and M-1-PAD to M-1-BIZ (49.4 acres). This case involves the development of a film production studio campus. Arizona Studios owner/applicant. **CONTINUED FROM THE MAY 19, 1997 COUNCIL MEETING. THE APPLICANT HAS REQUESTED THAT THIS CASE BE TABLED.**

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

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

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

- *c. **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 TO THE AUGUST 4, 1997, REGULAR COUNCIL MEETING.**

P & Z Recommendation: Approval with conditions (Vote 4-1).

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;
4. Compliance with all requirements of the Design Review Board.

- *d. **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 TO THE AUGUST 4, 1997, REGULAR COUNCIL MEETING.**

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;
4. Compliance with all requirements of the Subdivision Technical Review Committee.

- *e. **Z97-53** The 2800 blocks of East Broadway (south side). Site Plan Review (6± acres). This case involves the development of a 130± unit apartment complex. Signature Properties LLC, owner; Michael Milburn, applicant - Ordinance No. 3368.

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 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;
4. Compliance with all requirements of the Design Review Board.

- *f. **Z97-54** 546 North Vineyard. Rezone from R-4 to O-S (1± acres). This case involves rezoning of an existing legal non-conforming office. May G. Eyer, owner; Denise Guthridge, applicant - Ordinance No. 3369.

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

1. Compliance with the basic development as shown on the site plan submitted, except as noted below;
2. Compliance with all requirements of the Public Works Department (Engineering and Traffic Engineering, etc.);
3. Full compliance with all current Code requirements, unless modified through appropriate review and approval of the variance(s) outlined in the staff report;
4. Compliance with the applicant's letter dated June 18, 1997.

- *g. **Z97-55** The 3100 block of East Main Street (south side). Site Plan Modification (1.31 acres). This case involves the development of a Maaco auto body/paint shop. John D. Boer, owner; Sheiner Day Associates, applicant - Ordinance No. 3370.

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

- *h. **Z97-57** East (300'±) of the northeast corner of Southern Avenue and Country Club Drive. Rezone from C-2 to M-1 (2± acres). This case involves the expansion of American Bathtub Liners. Dixon Trust, owner; D. Highly Falkner, applicant - Ordinance No. 3371.

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

1. Compliance with the basic development as shown on the site plan and elevations submitted, except as noted below;
2. Compliance with all City development codes and regulations;
3. Compliance with all requirements of the Public Works Department (Engineering and Traffic Engineering, etc.);
4. 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. Enhanced landscaping be provided along Southern Avenue (all 24" box trees).

- *i. **Z97-59** Part of the 1700 block of North Center Street (west side). Rezone from R1-6 to R1-6-PAD (9± acres). This case involves the development of a 61-lot single residence project. Shirley Moffitt and Donald Gruntorad, owner; Great Western Homes, applicant - Ordinance No. 3372.

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

1. Compliance with the basic development as shown on the site plan and elevations submitted, except as noted below;

2. Compliance with all City development codes and regulations;
3. Compliance with all requirements of the Public Works Department (Engineering and Traffic Engineering, etc.);
4. 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;
5. Compliance with all requirements of the Subdivision Technical Review Committee;
6. Additional amenities to be provided as described in the applicant's letter of June 17, 1997.

12. Adjournment.

It was moved by Councilmember Stapley seconded by Vice Mayor Gilbert, that the Regular Council Meeting adjourn at 6:25 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 21st day of July 1997. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 6th day of August, 1997

BARBARA JONES, CITY CLERK