

COUNCIL MINUTES

July 6, 1999

The City Council of the City of Mesa met in a Study Session in the lower level meeting room of the Council Chambers, 57 East 1st Street, on July 6, 1999 at 5:00 p.m.

COUNCIL PRESENT

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

COUNCIL ABSENT

Bill Jaffa

STAFF PRESENT

C.K. Luster
Vince Anderson
Don Ayers
Cindy Barris
Neal Beets
Denise Bleyle
Jamie Brennen
Candace Cannistraro
Dennis Compton
Luigi Digirolamo
Jack Friedline
Glenn Gorke
Penny Griffin
Joe Holmwood
Mike Hutchinson
Janice Jackson
Barbara Jones
Mike Kalember
Wayne Korinek
Ron Krosting
Karen Kurtz
Dorinda Larsen
Rich Lorig
Jeff Martin

STAFF PRESENT (CONT.)

Frank Mizner
Keith Nath
Joe Padilla
Ellen Pence
Bryan Raines
Andrea Rasizer
Tom Remes
Becky Richardson
Sharon Seekins
Jenny Sheppard
John Smoyer
Jan Strauss
Doug Tessororf
Kim West
Others

OTHERS PRESENT

Jason Morris
Ralph Pew
Mark Reeb
Robbie Sherwood
Others

Mayor Brown excused Councilmember Jaffa from the meeting.

1. Review items on the agenda for the July 6, 1999 Regular Council Meeting.

All of the items on the agenda were reviewed among the Council and staff with no formal action taken. There was specific discussion ensued regarding the following agenda items:

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

7. Consider the following ordinance.

- *a. Relating to public health; amending Section 6-11-2 of the Mesa City Code regarding the mechanical separation of smoking and smoke-free areas in bars in restaurants; and providing penalties for the violation thereof.

Councilmember Davidson and Vice Mayor Giles indicated that they do not support the mechanical separation as an effective means of providing larger unrestricted openings to nonsmoking areas.

- 8.1. Consider award of a three-year contract to Lockheed Martin to operate the photo safety program.

Councilmember Pomeroy referenced statistical information prepared by staff which outlines the intersections in Mesa having the greatest number of accidents and noted differences when compared to the information reported by the *Arizona Republic*. Police Chief Jan Strauss stated that she will verify the time period upon which the calculations are based.

Discussion ensued regarding intersections proposed for installation of left-turn cameras, equipment and costs associated with placing cameras into intersections under construction/planned for construction. Police Commander Mike Kalember noted that preliminary information provided to Council relates to the number of intersection accidents, or intersection-related accidents, and not to the type of accident.

Mayor Brown expressed a preference for installing additional left-turn cameras at this time rather than delaying expansion over the next five years. Mayor Brown requested that further information be provided to Council.

Council and staff spoke regarding factors utilized in determining the feasibility of installing left-turn cameras and anticipated expansion of the photo safety program.

Councilmember Pomeroy suggested that Council proceed with the proposed contract including five left-turn cameras and that the Police Committee further investigate the types of injuries resulting from intersection-related accidents to recommend locations for additional left-turn cameras.

Vice Mayor Giles expressed concern that delaying a decision to award the contract may negatively impact the City's position. In response to a question from Vice Mayor Giles, Bill Burke, representing Lockheed Martin, indicated that its offer to the City will not be jeopardized if the City decides to proceed with the proposed initial five red-light cameras. Mr. Burke stated Lockheed Martin's intent to install red-light enforcement at intersections that meet a minimum criterion of 18 violations per day.

In response to a question from Mayor Brown, Mr. Burke stated a willingness to videotape activity at potential intersections for a one-week period to assess average violations per day.

- 8.3 Consider providing water service as 8540 East Oak Street.

Councilmember Hawker expressed concern regarding this matter and requested that this item remain off the consent agenda.

- 9. Consider the following cases from the Planning and Zoning Board and possible adoption of the corresponding ordinances.

- a. **Z99-10** The northwest corner of Brown and Ellsworth Roads. Rezone from R1-43 to C-2. (10.0+/- acres). This case involves the development of a grocery/retail center with (3) pad uses. E.A. Cardon, owner; W. Alan Turley, applicant. **A ¾ VOTE IS REQUIRED TO APPROVE THIS REQUEST.**

Planning Director Frank Mizner advised that a legal protest has been filed relative to this item and that a $\frac{3}{4}$ vote is necessary to approve the case. Mr. Mizner noted that staff and the Planning and Zoning Board recommend approval of this case. Mr. Mizner added that a letter from Jennifer Brooks, representing the applicant, has been provided to Council agreeing to preserve mature native plant material on the site and to utilize the same within the development.

- b. **Z99-12** Parcel 15 at Red Mountain Ranch. Rezone from C-2 (Conceptual R-2-PAD) to R-2-PAD (2.69+/- acres). This case involves the development of a townhouse project. Ray A. Mehan, owner; Ralph Pew, applicant.

Councilmember Davidson commented that after clarification from staff, he has no further questions relating to this case.

Mayor Brown stated that this item will be placed on the consent agenda.

- *c. **Z99-43** The southwest corner of Southern Avenue and Superstition Springs Boulevard. Site Plan Modification (22+/- acres). This case involves the expansion of the existing Wal-Mart store at Superstition Springs. Benji Frantz, The Westcor Co. II, L.P., owner; Stephen R. Earl, applicant.

Mr. Mizner informed the Council that Items 9c and 9g relate to the proposed expansion of the Wal-Mart store at Superstition Springs and the development of a new car storage lot for Chrysler. Mr. Mizner stated that staff has received letters of support from the manager and owner of the development and adjacent homeowners. Mr. Mizner added that letters of agreement between John Hill, Parklinks, and the West Corporation have been provided concerning recommended maintenance of the private drive.

- d. **Z99-45** The 2200 block of North Center (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. **A $\frac{3}{4}$ VOTE IS REQUIRED TO APPROVE THIS REQUEST.**

Mr. Mizner indicated that the applicant has verbally requested that this item be continued to the July 19, 1999 Regular Council Meeting to allow an opportunity to further address concerns from adjacent homeowners and the Police Department relating to the proximity of this site to the Police shooting range.

Discussion ensued regarding the location of the shooting range in relation to the proposed Red Mountain Freeway, anticipated Council attendance at the July 19 Council Meeting/the required $\frac{3}{4}$ vote and the feasibility of a sound study to determine noise levels at the parcel.

Mayor Brown stated that this item will be placed on the consent agenda for continuance to the July 19, 1999 Regular Council Meeting.

- g. **Z99-51** Part of the 6000 block of East Southern Avenue (south side) and Lot 4 of the Superstition Springs Auto Park. Rezone from C-2 to C-3 and property boundary adjustment for Lot 4 (3+/- acres). This case involves the development of an auxiliary storage lot for a new car dealership. M.C. Treadwell, owner; Chrysler Realty Corporation, applicant; Represented by: Ralph Pew.

See Item 9c (above) for discussion of this item.

- h. **Z99-52** The 2900 block of North Norwalk (east side). Rezone from M-1 to M-1-PAD (11+/- acres). This case involves the development of an industrial complex. The Reeb Group, Ltd., owner; Fred Woods, applicant.

Mr. Mizner noted that this item has not been included on the consent agenda in anticipation of discussion from neighbors to the west of the RWCD Canal who have had concerns relating to the Commons. Mr. Mizner stated that staff supports the overall land-use concept and that approval by the Planning and Zoning Board was unanimous by those voting.

In response to a question from Mayor Brown, Mark Reeb, 148 North Macdonald, explained that Planning and Zoning Boardmember Brock abstained from voting because he had been retained to perform architectural work by an individual who purchased a lot in the Commons and discussion by the Board encompassed a broader issue relating to the entire Commons development.

Council and staff spoke regarding concerns previously expressed by Council relative to the Commons and discussion anticipated at the ensuing meeting of the Design Review Board.

In response to questions from Vice Mayor Giles and Councilmember Kavanaugh, Mr. Mizner stated that staff has reviewed City Attorney Neal Beets' initial and supplemental opinions regarding the effect of earlier CC&Rs and commented that given the quality of the architecture, setbacks and buffers, this particular case would comply with both the earlier and subsequent CC&Rs.

Brief discussion ensued regarding the impact of CC&Rs relative to the time frame for pulling building permits.

2. Hear and discuss a progress report on the improvement of Main Street between Robson and Lewis.

City Engineer Keith Nath advised that the first portion of Phase I of the Main Street improvement project (Country Club Drive to Robson) was completed in November 1998 and that the second part of Phase I (Robson to Macdonald to Center) is currently underway.

Construction Services Representative Glenn Gorke displayed schematics illustrating project phases and the scheduled timeline of work activities.

Mr. Nath informed the Council that the contractor has divided the project into three segments: (a) Robson to Macdonald, (b) Macdonald (south) and (c) mainstream Macdonald and Center. Mr. Nath stated that the contractor is on schedule for all sections as originally proposed and that staff anticipates final completion by November 1, 1999.

Mr. Gorke outlined the City's public relations effort in reference to the construction project. Mayor Brown expressed appreciation for the work.

3. Acknowledge receipt of minutes of various boards and committees.

- a. Downtown Development Committee meeting held June 17, 1999.
- b. Historic Preservation Committee meeting held June 10, 1999.
- c. Industrial Development Authority Board meeting held June 17, 1999.
- d. Merit System Board meeting held July 1, 1999.
- e. Transportation Advisory Board meeting held June 15, 1999.
- f. Utility Committee meetings held May 24 and June 28, 1999.

It was moved by Vice Mayor Giles, seconded by Councilmember Davidson, to acknowledge receipt of minutes of the above-listed boards and committees.

Mayor Brown declared the motion carried unanimously by those present.

4. Hear reports on meetings and/or conferences attended.

This item was not discussed at this time.

5. Scheduling of meetings and general information.

Mr. Luster advised that the meeting schedule is as follows:

Thursday, July 8, 1999, 7:30 a.m. – Study Session

Monday, July 12, 1999, 4:00 p.m. – Police Committee Meeting

Thursday, July 15, 1999, 7:30 a.m. – Study Session

Wednesday, July 21, 1999, 4:00 p.m. – Police Committee Meeting

Mr. Luster noted that the final celebration of the summer Positive Alternatives for Youth (PAY) program will be held at 8:45 a.m. on Thursday, July 8, 1999, and Friday, July 9, 1999, at Stapley and Powell Jr. High Schools, respectively.

6. Prescheduled public opinion appearances (prescheduled appearances will begin after the preceding scheduled agenda items, which should be about 5:30 p.m., there will be a maximum of three speakers for three minutes per speaker).

Simon Fogel, 21 West Main Street, expressed dissatisfaction with the contractor's progress in the reconstruction of downtown Mesa.

7. Adjournment.

Without objection, the Study Session adjourned at 6:00 p.m.

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 Study Session of the City Council of Mesa, Arizona, held on the 6th day of July, 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