

COUNCIL MINUTES

June 21, 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 June 21, 1999 at 5:45 p.m.

COUNCIL PRESENT

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

COUNCIL ABSENT

Bill Jaffa

POLICE OFFICER
PRESENT

David Klein

OFFICERS PRESENT

C.K. Luster
Neal Beets

The invocation was given by Pastor Mark Wootton, Evangel Assembly of God.

The Pledge of Allegiance was led by Chris Evans, Troop 530.

Mayor Brown excused Councilmember Jaffa from the meeting.

1. Approval of minutes of previous meetings as written.

It was moved by Councilmember Kavanaugh, seconded by Vice Mayor Giles that the minutes of May 4, 5, 7, 10, 17, 20, 27, 1999 and June 3, and 7, 1999 be approved.

Mayor Brown declared the motion carried unanimously by those present.

2. Consider all consent agenda items.

All items listed with an asterisk (*) will be considered as a group by the City Council and will be enacted with one motion. There will be no separate discussion of these items unless a Councilmember so requests, in which event the item will be removed from the Consent Agenda and considered as a separate item.

It was moved by Vice Mayor Giles, seconded by Councilmember Kavanaugh, 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. WILLIAM M. MONAGHAN, AGENT

New Restaurant License for Kempers Deli, 1038 W. Southern Avenue. This is an existing business, no previous liquor licenses at this location.

*b. STEVEN CURTIS CUTNER, AGENT

New Restaurant License for Scaroles Bistro, 830 W. Southern Avenue, #1. The Restaurant License previously held at this location by William K. McKeon, Agent, The McKeon Group, Inc., discontinued business.

4. Consider the following contracts:

- *a. One replacement mail extractor for the Customer Services Division. This equipment opens envelopes and allows for its contents to be extracted.

The Purchasing Division recommends accepting the bid by OPEX Corporation at \$21,410.25 including applicable use tax and a one-year maintenance agreement.

- *b. Conference Center Chair Re-Upholstery as requested by Community Services.

The Purchasing Division recommends accepting the low bid by Cannon Southwest Upholstery at \$10,739.50 plus sales tax of \$266.29 for a total of \$11,005.79.

- *c. Modular office work stations and chairs for the Library. These work stations will be used for the Interlibrary Loan and Government Documents staff at the main Library.

The Purchasing Division recommends authorizing purchase from State of Arizona contract with Goodman's Inc. at \$22,498.44 including materials, design services, delivery, installation and applicable sales tax.

- *d. Storage shelving as requested by the Mesa Southwest Museum. This shelving will be installed in the new archaeology vault.

The Purchasing Division recommends accepting the bid by Delta Designs, Ltd. at \$26,600.00 plus 5% use tax of \$1,330.00 for a total of \$27,930.00.

- *e. Oracle Database Management Tools as requested by the Information Services Division (ISD). These tools will assist staff in analyzing Oracle database performance, as well as resolving Oracle database problems.

The Purchasing Division recommends authorizing purchase from the State of Arizona contract with Oracle Corporation for Oracle Database Management Tools in the amount of \$34,200.00, plus 7.0% sales tax, for a total of \$36,594.00.

- *f. Wastewater Manhole Rehabilitation Project. City of Mesa Project No. 99-45.

This project involves the rehabilitation of wastewater manholes in various parts of the City.

Recommend award to low bidder, Joseph Painting Company, Inc., in the amount of \$100,422.80.

- *g. Fuel System Replacements for Dobson Golf Course and Riverview Golf Course. City of Mesa Project No. 98-50.

This project involves the removal of the existing gasoline fuel tanks and fuel dispensers in the maintenance yards of the City golf courses and replacing them with new underground fuel tanks and new dispensers.

Recommend award to low bidder, CDM Engineers and Constructors, Inc., in the amount of \$198,193.00.

- h. Residential Street Lighting Project, Country Club Drive to Center Street, 10th Avenue to Southern Avenue. City of Mesa Project No. 98-67.

This project involves installing new street lighting in an existing neighborhood in Mesa. HUD Community Development Block Grant CDBG #9947.

Recommend award to low bidder, Utility Construction Company, in the amount of \$166,669.90.

Councilmember Davidson noted the significant amount of funding that has been allocated for streetlighting and stated that effort is being expended to improve neighborhood safety and encourage social interaction.

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

Mayor Brown declared the motion carried unanimously by those present.

- i. 1998/99 Arterial Street Lighting, McKellips Road, Lindsay Road to 32nd Street; 8th Street, Tempe Canal to Alma School Road; McKellips Road, Recker Road to 64th Street; and Center Street, 10th avenue to Broadway Road. City of Mesa Project No. 99-37.

This project consists of installing new street lights on four (4) arterial and collector roadways. The location of these new street lights are: (1) McKellips Road from Lindsay to 32nd Street; (2) 8th Street from the Tempe Canal to Alma School Road; (3) McKellips Road from Recker Road to 64th Street; (4) Center Street from 10th Avenue to Broadway Road.

Recommend award to low bidder, AJP Electric, Inc., in the amount of \$325,050.00.

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

Mayor Brown declared the motion carried unanimously by those present.

5. Introduction of the following ordinances and setting July 6, 1999 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. **A98-14** Annexing the southeast corner of Elliot and Mountain Roads.
- b. Amending Section 11-17-6 of the Mesa City Code regarding the parking of recreational vehicles on lots not within a recreational vehicle park or subdivision; amending Section 8-6-3 of the Mesa City

Code pertaining to the storage of watercraft, utility trailers, camper shells, and truck campers on residential lots; and providing penalties for the violation thereof.

In response to a question from Councilmember Pomeroy, Community Development Manager Wayne Balmer advised that this proposed ordinance pertains only to detached houses with front, rear and side setbacks and will not involve townhomes.

It was moved by Councilmember Kavanaugh, seconded by Councilmember Davidson, that introduction of the proposed ordinance be approved.

Councilmember Pomeroy indicated concern regarding the proposed ordinance and the fact that large boats may be stored in side yards.

Councilmember Hawker questioned whether the proposed ordinance could be combined with the proposed housing code issue. Councilmember Hawker expressed concerns regarding motor homes being allowed to park on site and stated that the existing walls between homes are not sufficient to hide the vehicles from view. Councilmember Hawker added that he would prefer that a permit process be implemented that would require approval of the neighbors. Councilmember Hawker also discussed grandfathering and indicated his intention to review this proposal closely prior to consideration.

Additional discussion ensued among the Council relative to this agenda item.

It was moved by Councilmember Pomeroy, seconded by Councilmember Hawker, that the motion be amended to refer this item to a future Council Study Session for future discussion and consideration.

Upon tabulation of votes, it showed:

AYES - Brown-Giles-Hawker-Pomeroy

NAYS - Davidson-Kavanaugh

ABSENT - Jaffa

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

- *c. **Z99-10** The northwest corner of Brown and Ellsworth Roads. Rezone from R1-43 to C-2 (12.8± acres). This case involves the development of a grocery/retail center with three (3) pad uses.
- *d. **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.
- *e. **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.
- *f. **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.
- *g. **Z99-48** The 7200 block of East Southern Avenue. Site Plan Review (1.5± acres). This case involves the development of an office complex.

- *h. **Z99-49** 444 West Holmes Avenue. Site Plan Modification (2.4± acres). This case involves the development of a Staybridge Suites Motel.
- *i. **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.
- *j. **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.
- *k. **Z99-54** 1119 East University Drive. Rezone from R-4 to O-S (1± acre). This case involves the conversion of an existing building for a contractor's office.
- l. Relating to public health; amending Section 6-11-2 of the Mesa City Code regarding the mechanical separation of smoking and smokefree areas in bars in restaurants; and providing penalties for the violation thereof.

Mayor Brown advised that the alternative system is currently in effect at TGI Friday's at Superstition Springs and encouraged the members of the audience to visit the establishment and provide input relative to the effectiveness of the system prior to the next Regular Council Meeting when this item will be voted upon by the Council.

Councilmember Davidson stated that although he will support introduction, he will not vote in support of approving the proposed ordinance.

- *m. Amending Section 10-3-17 of the Mesa City Code designating Coralbell Avenue from Crismon Road to Cheshire as a through street as recommended by the Transportation Advisory Committee.

6. Consider the following resolutions:

- *a. Extinguishing a portion of a public utility easement at 4556 E. Emelita Avenue - Resolution No. 7381.
The utility easement is not being used and is a conflict with the construction of a swimming pool.
- *b. Vacating a portion of East Avalon Street, east of Crismon Road - Resolution No. 7382.
This property in this area has been purchased by Maricopa County and will be used as a flood control detention basin.
- *c. Vacating a public alley in the 400 block of South LeBaron - Resolution No. 7383.
The adjacent property owners have requested that this portion of the alley be abandoned.
- *d. Vacating a portion of North 34th Street, north of Hermosa Vista Drive - Resolution No. 7384.
The area is being subdivided and this portion of 34th Street will no longer be necessary.
- *e. Authorizing the City Manager to execute an Intergovernmental Agreement between the City of Mesa and Mesa Unified School District #4 to support operational costs of the Mesa Youth Placement Service (MYPS) - Resolution No. 7385.

- *f. Approving and authorizing the City Manager to execute a contract between Forsythe and Associates, Inc., and the City of Mesa for the operation of Fixed Route Transit Services - Resolution No. 7386.
- *g. Approving and authorizing the City Manager to execute a contract between Maricopa County and the City of Mesa for Special Transportation Services - Resolution No. 7387.
- h. Approving and authorizing the City Manager to execute Amendment No. 1 to the Intergovernmental Agreement between the Regional Public Transportation Authority and the City of Mesa for preliminary engineering and environmental impact statement work for the Light Rail Transit System (the Valley connection) - Resolution No. 7392.

Councilmember Hawker expressed concerns regarding a proposal to develop a light rail (trolley-type) system in view of the current technology that exists on a world-wide basis. Councilmember Hawker stated the opinion that the current proposal would result in the development of a system that would make the commute to Phoenix even longer than it currently takes by car. Councilmember Hawker discussed a bus system that is in effect in Brazil and indicated he would prefer that alternatives such as that be pursued.

In response to a question from Mayor Brown, Transit Administrator Jim Wright advised that the proposed agreement will not preclude the City of Mesa from pursuing other options.

Discussion ensued relative to this item and Councilmember Hawker commented that he would prefer that the proposed transit stations not be placed one mile apart to enhance speed and also suggested that depressing or deleting stations be further studied.

It was moved by Councilmember Kavanaugh, seconded by Councilmember Davidson that Resolution No. 7392 be adopted.

Mayor Brown declared the motion carried unanimously by those present and Resolution No. 7392 adopted.

- i. Approving and authorizing the City Manager to execute an Intergovernmental Agreement between the Regional Public Transportation Authority and the City of Mesa for the East Valley Dial-a-Ride Service - Resolution No. 7393.

In response to questions from Councilmember Hawker, Mr. Wright advised that the proposed increase to provide transportation services reflects an increase in wages and benefits in order to attract and retain a higher quality staff.

It was moved by Councilmember Hawker, seconded by Councilmember Pomeroy that Resolution No. 7393 be adopted.

Mayor Brown declared the motion carried unanimously by those present and Resolution No. 7393 adopted.

- *j. Approving and authorizing the City Manager to execute two Intergovernmental Agreements between the Town of Gilbert and the City of Mesa concerning the following:
 - *1. The construction of a joint sewer line on Greenfield Road from the South Water Reclamation Plant to Germann Road and on Germann Road from Greenfield Road to 700 feet east of Higley Road - Resolution No. 7388.

- *2. The construction of a sewer line on Germann Road from 700 feet east of Higley to Power Road - Resolution No. 7389.
- *k. Authorizing the City Manager to execute an extension to an agreement between the City of Mesa and the Department of Public Safety to support the costs of providing assistance to victims of crime pursuant to the Victims of Crime Act (VOCA) - Resolution No. 7390.
- *l. Authorizing the City Manager to execute an agreement between the City of Mesa and the Department of Public Safety to support the costs of providing assistance to victims of crime pursuant to the Victims of Crime Act (VOCA) - Resolution No. 7391.

7. Consider the following ordinances:

- *a. Prohibiting northbound left turns from the driveways on the south side of McDowell Road with centerlines approximately 385 feet east of Power Road and 565 feet east of Power Road; prohibiting parking between 10:00 p.m. and 4:00 a.m. on Kiowa Avenue from Power Road to Roslyn and on Roslyn from Baseline Road to Kiowa Avenue; establishing a dual speed limit of 35 mph on school days from 7:30 a.m. to 4:00 p.m. and 45 mph at all other times on Crismon Road from Southern Avenue to Diamond Avenue; and establishing a 35 mph speed limit on Sossaman Road from Ray Road to Tahoe Avenue; as recommended by the Transportation Advisory Board - Ordinance No. 3639.

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

- a. **Z99-40** The northeast corner of Power and Guadalupe Roads. Rezone from R1-7 (conceptual C-2) to C-2 (1.5± acres). This case involves the development of a convenience store with gas pumps. Keith Saunders, owner; RFA, Inc., represented by Jake Willard. **CONTINUED FROM THE JUNE 7, 1999 CITY COUNCIL MEETING** - Ordinance No. 3640.

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

1. Compliance with the basic development as described in the project narrative and as shown on the site plan, preliminary plat and elevations submitted, except as noted below.
2. Compliance with all City development codes and regulations.
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 letter dated 30 March 1999 from Jake Willard, applicant, to Tom Albright, City of Mesa, which is included in the zoning case file.
5. Compliance with all requirements of the Design Review Board.
6. Review and approval of a Special Use Permit by the Board of Adjustment for gas pumps, car wash and comprehensive sign plan.
7. Written notice be provided to future tenants, and acknowledgement received that the project is within 5 miles of Williams Gateway Airport.
8. 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 issuance of a building permit).

Sean Lake, 10 West Main Street, an attorney representing the applicant, provided the Council with a brief overview of this case and requested that the Council vote in support of the applicant's request to construct a Mobil gas station on this site.

Vice Mayor Giles commented that the Gilbert School District previously stated opposition to the approval of this case. Vice Mayor Giles added that although the District was encouraged to attend this meeting and/or provide input on alternative proposals, no word has been received. Vice Mayor Giles stated the opinion that a number of alternative proposals would be less appealing than the current project.

It was moved by Councilmember Pomeroy, seconded by Vice Mayor Giles, that Ordinance No. 3640 be adopted.

Upon tabulation of votes, it showed:

AYES - Brown-Davidson-Giles-Hawker-Pomeroy

NAYS - Kavanaugh

ABSENT - Jaffa

Mayor Brown declared the motion carried by majority vote of those present and Ordinance No. 3640 adopted.

*b. **Z99-27** 1526 West Main Street. Requesting a Council Use Permit. This case involves the conversion of a retail building for use as a pawn shop. Venator Group Retail, Inc., owner; Camco, Inc. (dba Super pawn), applicant. **THIS CASE WAS REFERRED BACK TO THE PLANNING & ZONING BOARD FROM THE MAY 3, 1999 CITY COUNCIL MEETING. THE APPLICANT HAS REQUESTED THIS CASE BE WITHDRAWN.**

P & Z Recommendation: Denial (vote: 6-0).

*c. **Z99-46** 1859 East Main Street (south of existing development, adjacent Mahoney). Rezone from R1-6 to C-3 (.5± acre). This case involves the expansion of an existing RV sales lot. Coppertree Enterprises, owner; Sally Stephen, applicant. **THE APPLICANT HAS REQUESTED THIS CASE BE WITHDRAWN.**

P & Z Recommendation: Denial (vote: 4-2; Kathe, Whalen, nay).

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

Paul and Luule Brando, 61 South Macdonald, expressed appreciation to the Council and staff for their expressions of sympathy on the recent passing of father/husband Bill Brando.

Kirby Allen, 1039 East Broadway, presented a brief eulogy on Mr. Brando and praised his efforts to improve government operations in Mesa.

Mayor Brown thanked the speakers for their input.

10. Adjournment.

Without objection, the Council Regular Meeting adjourned at 6:53 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 Regular Council Meeting of the City Council of Mesa, Arizona, held on the 21st day of June 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