

# COUNCIL MINUTES

February 17, 1998

The City Council of the City of Mesa met in a Regular Council Meeting in the Conference Theatre of the Centennial Conference Center, 201 North Center Street, on February 17, 1998 at 5:45 p.m.

## COUNCIL PRESENT

Mayor Wayne Brown  
Pat Gilbert  
John Giles  
Dennis Kavanaugh  
Joan Payne  
Wayne Pomeroy  
Claudia Walters

## COUNCIL ABSENT

None  
  
POLICE OFFICER  
PRESENT  
  
Robert Nesbit  
Roy Dunkelbarger

## OFFICERS PRESENT

C.K. Luster  
Neal Beets  
Barbara Jones

Invocation by Pastor Dr. James E. Adams, Cornerstone Bible Fellowship Church.

The Pledge of Allegiance was led by Preston House Troop #867.

Mayor Brown advised that future Council meetings will be held in the newly renovated Council Chambers. Mayor Brown thanked all of the individuals that assisted in accommodating Council during the remodeling of the Council Chambers.

### 1. Approval of minutes of previous meetings as written.

It was moved by Councilmember Pomeroy, seconded by Vice Mayor Gilbert, that the minutes of January 23, 30, 1998 and February 2 and 6, 1998 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 Gilbert, seconded by Councilmember Pomeroy, that the consent agenda items be approved.

Carried unanimously.

### 3. Consider the following liquor license applications.

\*a. BILL S. MORTON, ADMINISTRATOR

Special event license application of Bill S. Morton, Administrator, for Confederate Air Force - AZ Wing, a one-day civic event to be held Saturday, March 21, 1998 at 5 p.m. to Midnight, at 2017 North Greenfield Road, Falcon Field Airport.

\*b. DELORES D. CAMPBELL, EXECUTIVE DIRECTOR

Special event license application of Delores D. Campbell, Executive Director, for Friends of the Orphans, a one-day charitable event to be held Monday, February 23, 1998 at 9 a.m. to 9:30 p.m., at 7555 East Eagle Crest Drive, Las Sendas Golf Club.

\*c. SYLVIA KEPPY-DOW, CONFERENCE CHAIRMAN

Special event license application of Sylvia Keppy-Dow, Conference Chairman, for 1998 NAIW Region VIII Conference Committee, a one-day fraternal event to be held Saturday, March 14, 1998 at 7 p.m. to 10 p.m., at 1011 West Holmes Avenue, Mesa Pavilion Hilton.

\*d. GILBERT I. KELLEY, AGENT

New restaurant license for Floridino's Pizza & Pasta #2, 2036 North Gilbert Road, #6. This is an existing business, no previous liquor licenses at this location.

4. Consider the following contracts.

\*a. One-year renewal of the annual supply contract for automotive air conditioning supplies requested by Fleet Support Services Division.

The Purchasing Division recommends exercising the second and final one-year renewal option with the original lowest overall bid by B & K Fleet Supply for annual purchases estimated at \$15,000.00.

\*b. One-year renewal of the annual supply contract for automotive lighting, mirrors and safety supplies requested by Fleet Support Services Division.

The Purchasing Division recommends exercising the second and final one-year renewal option with the original lowest overall bidder meeting specifications, The Lighthouse, for annual purchases estimated at \$35,000.00.

\*c. One-year renewal of the annual supply contract for inorganic nitrate solution to be used in the City wastewater system as requested by the Utility Operations Division. The Purchasing Division recommends exercising the only one-year renewal option with the original low bidder, Vulcan Chemical Technologies, Inc. at \$69,687.00 plus 5% use tax of \$3,484.35 for a total of \$73,171.35.

- \*d. One-year renewal of the annual supply contract for household paint and related sundry supplies. This contract is used by several City departments including Building Maintenance, Parks Maintenance, Solid Waste and Street Maintenance.

The Purchasing Division recommends exercising the second and final one-year renewal option with the original lowest overall bidder (based on the scoring process used), Frazee Industries, Inc. for annual purchases estimated at \$50,000.00.

- \*e. One-year renewal of the annual supply contract for asphalt materials used by the Transportation Division.

The Purchasing Division recommends exercising the only one-year renewal option as follows:

PRIMARY CONTRACTS FOR ZONE A & B

Group I and Group III to Copperstate Emulsions, Inc. at \$438,600.00 plus 7.0% sales tax on material of \$28,749.00 for a total of \$467,349.00; and Group II to Paramount Petroleum of Arizona at \$33,000.00 plus 6.80% sales tax on the material of \$2,244.00 for a total of \$35,244.00. The combined award is then \$502,593.00 based on estimated requirements.

In order to assure continuity of supply, Hawker Mfg. Inc. is being recommended for renewal as a secondary supplier for Groups I and II, to be called when the primary supplier is unable to fill a particular order.

- \*f. Annual supply contract for traffic paint as requested by the Transportation Division.

The Purchasing Division recommends accepting the low bid by Pervo Paint Company at \$117,229.70 plus 5% use tax of \$5,861.48 for a total of \$123,091.18, based on estimated requirements.

- \*g. One hundred sixteen traffic signal heads for warehouse inventory to be used by the Transportation Division.

The Purchasing Division recommends accepting the low bid by McCain Traffic Supply at \$24,524.00 plus 7.20% sales tax of \$1,765.72 for a total of \$26,289.72.

- \*h. One replacement offset press as requested by Printing and Graphics Services.

The Purchasing Division recommends accepting the low bid meeting specification by Nelson Keystone at \$26,070.00 plus 6.80% sales tax of \$1,772.76 for a total of \$27,842.76.

- \*I. One replacement rotary mower as requested by the Airport.

The Purchasing Division recommends authorizing an additional purchase option from RFB #97056 with the low bid meeting specification (for Item 2), Arizona

Machinery Company, at \$14,800.00 plus 7.0% sales tax of \$1,036.00 for a total of \$15,836.00.

- \*j. Supply contract for network hardware for projects involving various City departments as requested by the Information Services Division (ISD).

The Purchasing Division recommends establishing a one-year supply contract for network hardware based on the State of Arizona contract with Cabletron Systems, Inc. not to exceed \$1.8 million, based on estimated requirements.

- \*k. Equipment Management Information System (EMIS) Y2K upgrade project as requested by the Information Services Division (ISD).

ISD recommends accepting the following proposals, for a total of \$51,450.00, to begin Phase I of the EMIS upgrade project:

Prototype, Inc., for FleetAnalyst software and related services, for \$45,000.00, plus 5% use tax of \$2,250.00, for a total of \$47,250.00.

E.J. Ward for a fuel interface software upgrade, for \$4,000.00, plus 5% use tax of \$200.00 for a total of \$4,200.00.

- \*l. One replacement pavement sealant melter applicator as requested by the Streets Maintenance Division.

The Purchasing Division recommends accepting the low bid meeting specification by Brewer Cote of Arizona at \$24,499.55 plus 6.80% use tax of \$1,665.97 for a total of \$26,165.52.

- \*m. Youth Museum H.V.A.C. Upgrade.

This project involves upgrading the H.V.A.C. and electrical system at the Arizona Museum for Youth, 35 North Robson Street.

Recommend award to low bidder, Chaparral Construction, Inc., in the amount of \$271,100.00.

4.1. Consider the following items pertaining to the City Court.

- a. Consider acknowledging receipt of, and accepting, Harold Reeb's letter, dated February 10, 1998, withdrawing his application for reappointment as Presiding Magistrate.

It was moved by Vice Mayor Gilbert, seconded by Councilmember Kavanaugh, that Council acknowledge receipt of and accept Harold Reeb's letter dated February 10, 1998 withdrawing his application for reappointment as Presiding Magistrate.

Carried unanimously.

- b. Consider the status of Acting Presiding Magistrate Walter Switzer.

Bill Brando, 61 South Macdonald, spoke in support of appointing Judge Walter Switzer to the position of Presiding City Magistrate.

It was moved by Vice Mayor Gilbert, seconded by Councilmember Kavanaugh, that Judge Walter Switzer be appointed as Presiding City Magistrate and that prior to the expiration of his current term an evaluation of Judge Switzer be conducted by the Judicial Advisory Board for Council's consideration.

Vice Mayor Gilbert commended Judge Switzer for his exemplary work performance during his tenure as Acting Presiding City Magistrate. Vice Mayor Gilbert expressed the opinion that Judge Switzer will provide stability and aptitude to the position.

Councilmember Kavanaugh concurred with Vice Mayor Gilbert and stated the opinion that Judge Switzer will continue to provide exceptional service to the community.

Carried unanimously.

- c. Consider the status of Gary Stuart, independent counsel to the City Council.

It was moved by Vice Mayor Gilbert, seconded by Councilmember Kavanaugh, that independent counsel Gary Stuart immediately conclude his investigation regarding Harold Reeb and forward his findings to the Arizona Commission on Judicial Conduct.

Carried unanimously.

5. Introduction of the following ordinances and setting March 2, 1998 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. Increasing the speed limit from 30 mph to 40 mph on Hawes Road from Baseline Road to Guadalupe Road; and prohibiting southbound left turns onto Southern Avenue from the driveway with a centerline located approximately 475 feet east of Westwood; as recommended by the Traffic Safety Committee.
- \*b. Increasing in the year 2000 and thereafter the salary for the Office of Mayor to \$2,800 per month and City Councilmember to \$1,400 per month, but not increasing the salary for the current Mayor and City Councilmembers.
- \*c. Amending Sections 110, 210, 220, 260, 330, 350, 433, 510 and 810 of the Mesa Personnel Rules; adding new Sections 370 and 437; and repealing conflicting ordinances.

6. Consider the following resolutions.

- \*a. Authorizing the City Manager to execute an agreement between the Town of Gilbert and the City of Mesa for traffic signal improvements to Baseline Road and 32nd

Street; Baseline Road and 39th Street; and other various intersections - Resolution No. 7153.

- \*b. Supporting the application by A.R.M. of Save the Family to the Maricopa HOME Consortium for funding under the HOME Investment Partnerships Program - Resolution No. 7154.
- \*c. Supporting the application by HFM to the Maricopa HOME Consortium for funding under the HOME Investment Partnership Program - Resolution No. 7155.
- \*d. Granting easements for electrical facilities to Salt River Project at the East Mesa Service Center - Resolution No. 7156.

Easements are required for Mesa to receive the land title from the Bureau of Land Management.

- \*e. Approving the application for Local, Regional and State Parks Funds for the development of Red Mountain District Park - Resolution No. 7157.
- \*f. Approving the application for Local, Regional and State Parks Funds for the development of the park site at 62nd Street and Virginia - Resolution No. 7158.
- \*g. Deleted.
- \*h. Deleted.
- \*I. Adopting the Residential Development Guidelines for new single-residence development in Mesa - Resolution No. 7159.

7. Consider the following ordinances.

- \*a. Amending certain sections of the Uniform Building Code, 1994 Edition; amending Section 4-1-1 of the Mesa City Code relating to public restrooms in food service businesses; and providing for penalties - Ordinance No. 3435.

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

- \*a. **Z97-75** The northeast corner of Southern Avenue and Signal Butte Road. Rezone from R1-9 to R1-6-PAD and C-2 (60± acres). This case involves development of a single- residence subdivision and a future retail parcel. Garry Jestadt, owner; Kaufman and Broad of AZ., Inc., applicant. **TABLED AT THE NOVEMBER 17, 1997 REGULAR COUNCIL MEETING** - Ordinance No. 3436.

P & Z Recommendation: Approval with Conditions (Vote 6-1, 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 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. Compliance with all requirements of the Design Review Board for the C-2 portion;
7. Compliance with the project narrative submitted;
8. Compliance with applicant's letter dated September 18, 1997; and
9. Compliance with the Residential Development Guidelines relating to building product.

\*b. **297-77** South and east of the southeast corner of Hawes Road and Guadalupe Road. Rezone from R1-43 to R1-6-PAD (95± acres). This case involves development of a single- residence subdivision. Woodside Homes, owner; Ralph Pew, applicant. **TABLED AT THE NOVEMBER 17, 1997 REGULAR COUNCIL MEETING** - Ordinance No. 3437.

P & Z Recommendation: Approval with Conditions (Vote 6-1, Shipley nay).

1. Compliance with the basic development as shown on the revised plat 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. Compliance with letter from Gilbert Schools;
6. Compliance with the project narrative; and
7. Home product for all parcels to be approved by staff for compliance with the Residential Development Guidelines.

\*c. **297-89** The 9800 and 9900 blocks of East Southern Avenue (north side). Rezone from R1-43 to R1-6-PAD (25± acres). This case involves the development of a 166-lot subdivision. Southern & Crismon Road Property, Ltd., owner; Maracay Homes, applicant. **TABLED AT THE NOVEMBER 17, 1997 REGULAR COUNCIL MEETING** - Ordinance No. 3438.

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 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. All street improvements and perimeter landscaping to be installed in the first phase of construction;

5. Compliance with all requirements of the Subdivision Technical Review Committee;
6. Compliance with the letters dated October 13 1997 and October 15, 1997; and
7. Compliance with the Residential Development Guidelines relating to building product.

- \*d. **Z97-90** The 6600 block of East McDowell Road (south side). Rezone from R-3-PAD to R-2-PAD (9.26 acres). This case involves the development of a 72-lot subdivision. Daniel and Susan Giblin, owners; Great Western Homes, applicant. **TABLED AT THE NOVEMBER 17, 1997 REGULAR COUNCIL MEETING. THE APPLICANT HAS REQUESTED THAT THIS CASE BE TABLED** - Ordinance No. 3439.

P & Z Recommendation: Approval with Conditions (Vote 6-1, Brock 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 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 Falcon Field 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 one mile of Falcon Field 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 letter dated October 16, 1997;
9. Install obscure glass in southern tier of lots in all second story south elevations; and
10. Compliance with the Residential Development Guidelines relating to building product.

- \*e. **Z97-97** The 1500 block of South Alma School Road (east side). Site Plan Review (1± acre). This case involves the development of an athletic shoe store. GMRI, Inc., owner; Robert Kubicek Architects, applicant. **CONTINUED TO THE MARCH 16, 1998 REGULAR COUNCIL MEETING.**

P & Z Recommendation: Approval with Conditions (Vote 4-2, Shipley and Kathe nay).

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. Recordation of cross-access and reciprocal parking easements; and
6. Compliance with all requirements of the Design Review Board.

- \*f. **Z98-4** The 4100 and 4200 blocks of East Broadway (north side). Rezone from AG to R1-6-PAD (35± acres). This case involves the development of retirement townhomes. Hughes Development, owner; Planning Resources, applicant - Ordinance No. 3440.

P & Z Recommendation: Approval with Conditions (Vote 6-0).

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

- \*g. **Z98-5** The northwest corner of Brown Road and Recker Road. Site Plan Modification (10± acres). This case involves development of a retail project. Karl Nielson, owner; Fred Woods, applicant - Ordinance No. 3441.

P & Z Recommendation: Approval with Conditions (Vote 6-0).

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 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 Subdivision Technical Review Committee;
5. Compliance with all requirements of the Design Review Board;
6. All pad buildings to be architecturally compatible; and
7. Review and approval of a Special Use Permit by the Board of Adjustment for comprehensive sign plan.

- \*h. **Z98-6** The southwest corner of Brown Road and Greenfield Road. Rezone from R1-15 to R1-15-PAD (17± acres). This case involves development of a

residential subdivision with a gated entrance and private streets. Dr. Horace Kent, owner; New American Builder, applicant - Ordinance No. 3442.

P & Z Recommendation: Approval with Conditions (Vote 6-0).

1. Compliance with the basic development as shown on the preliminary plat 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 Falcon Field 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 one mile of Airport; and
7. Noise attenuation measures be incorporated into the design and construction of the homes to achieve a noise level reduction of 25 db.

9. Consider the following subdivision plats.

- \*a. "LADYHAWKE ESTATES" - The 3700 block of East McDowell Road (south side) 18 R1-35 single-residence lots (18.59 acres) W.R. Skousen Jr. & Tonia Skousen, developers; Clouse Engineering, Inc., engineer.
- \*b. "ROSEWOOD ESTATES" - The 3900 block of East McDowell Road (south side) 24 R1-35-PAD single-residence lots (24.27 acres) F & R Development, L.L.C., developer; Clouse Engineering, Inc., engineer.
- \*c. "SANTA RITA RANCH UNIT 3" - The 3000 block of South Crismon Road (east side) 105 R1-6-DMP single-residence lots (33.94 acres) Shea Homes Limited Partnership, developer; Wood/Patel & Associates, engineer.
- \*d. "SANTA RITA RANCH PARCEL 5" - The 2800 block of South Santa Rita (east side) 124 R1-6-DMP single-residence lots (34.02 acres) Stardust Development, Inc., developer; David Evans and Associates, Inc., engineer.
- \*e. "SANTA RITA RANCH PARCEL 6" - The 2900 block of South Signal Butte Road (west side) 172 R1-6-PAD-DMP single-residence lots (36.06 acres) Stardust Development, Inc., developer; David Evans and Associates, Inc., engineer.
- \*f. "SANTA RITA RANCH PARCEL 7" - The 3100 block of South Santa Rita (east side) 54 R1-7-DMP single-residence lots and 1 tract (35.15 acres) Stardust Development, Inc., developer; David Evans and Associates, Inc., engineer.

- \*g. "SANTA RITA RANCH PARCEL 8" - The 3000 block of South Signal Butte Road (west side) 91 R1-6-DMP single-residence lots (27.22 acres) Stardust Development, Inc., developer; David Evans and Associates, Inc., engineer.

10. Adjourn.

It was moved by Vice Mayor Gilbert, seconded by Councilmember Pomeroy, that the Regular Council Meeting adjourn at 6:10 p.m.

Carried unanimously.

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WAYNE BROWN, MAYOR

ATTEST:

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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 17th day of February 1998. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this \_\_\_\_ day of \_\_\_\_\_ 1998

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BARBARA JONES, CITY CLERK