

# COUNCIL MINUTES

April 19, 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 April 19, 1999 at 5:50 p.m.

## COUNCIL PRESENT

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

## COUNCIL ABSENT

None  
  
POLICE OFFICER  
PRESENT  
  
Dave Klein

## OFFICERS PRESENT

C.K. Luster  
Neal Beets  
Barbara Jones

The Invocation was given by Dr. Skip Hughes, First Christian Church (Disciples of Christ).

The Pledge of Allegiance was led by the Troop 386 Color Guard.

Presentation by 1998-99 Mayor's Youth Committee.

Jason Chang, President of the 1998-99 Mayor's Youth Committee, thanked the Council for their support of the Youth Committee and advised that a scrapbook of service events in which the Committee participated during the past year is being prepared for submission to Council.

Mayor Brown expressed appreciation to the Youth Committee for their efforts.

1. Approval of minutes of previous meetings as written.

It was moved by Vice Mayor Giles, seconded by Councilmember Davidson, that the minutes of March 15 and 25, 1999 and April 1 and 5, 1999 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 Giles, seconded by Councilmember Kavanaugh, that the consent agenda items be approved.

Carried unanimously.

3. Conduct a public hearing on a new wastewater rate for government agencies outside the City of Mesa.

Mayor Brown announced that this is the time and the place for a public hearing on a new wastewater rate for government agencies outside the City of Mesa.

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

4. Consider the following liquor license applications.

\*a. RANDY D. NATIONS, AGENT

New beer and wine store license for Mobil on the Run, 1203 South Power Road. The beer and wine store license previously held at this location by Purdom C. Thomas, Agent, Pasco One, Incorporated, will revert back to the State.

b. H. J. LEWKOWITZ, AGENT

New restaurant license for Ruby Tuesday, 6555 East Southern Avenue, #1542. This is a new business; no previous liquor licenses at this location.

City Manager Charles Luster advised that a citizen residing approximately 1-1/4 to 1-1/2 miles from this location has filed a protest, citing concerns regarding the location at a major entrance into the Superstition Springs Mall and the number of youth congregating in the vicinity. Mr. Luster stated that the application is for a new restaurant license (not bar) and that it is the opinion of staff that the objection is not valid.

Jerry Lewkowitz, representing the applicant, reported that Ruby Tuesday is a national restaurant chain with approximately nine licensed establishments in Arizona, most of which are located in shopping centers. Mr. Lewkowitz said that there have been no violations at any of the Arizona sites and that alcoholic beverages are incidental to meals.

It was moved by Councilmember Kavanaugh, seconded by Councilmember Jaffa, that the new restaurant license application be approved.

Carried unanimously.

\*c. Special event license application of Jean M. Kaminski, Parish Administrator, St. Bridget Catholic Church, a one-day religious event to be held on Friday, April 30, 1999, from 5:00 p.m. to 10:00 p.m. at 2213 North Lindsay Road, St. Bridget Catholic Church.

5. Consider the following contracts.

\*a. One-year renewal of the supply contract for precast electric vaults for the Electric Department.

The Purchasing Division recommends exercising the second and final one-year renewal option with the original lowest bidder, Oldcastle Precast Inc., at \$265,238.00 plus 7.20% sales tax of \$19,097.14 for a total of \$284,335.14 based on estimated requirements.

- \*b. One-year renewal of the supply contract for bronze water service valves and fittings for Materials and Supply Division warehouse inventory to be used by the Utility Construction and Utility Services Divisions.

The Purchasing Division recommends exercising the first of two 1-year renewal options with the original lowest bidder, Arizona Water Works Supply, at \$50,283.29 plus 7.40% sales tax of \$3,720.96 for a total of \$54,004.25 based on estimated requirements.

- \*c. Two-year renewal of the vehicle repair and maintenance contract for general vehicles as requested by Fleet Support Services.

The Purchasing Division recommends exercising the only two-year renewal option with Hub's Auto Clinic for annual expenditures estimated at \$65,000.00.

- \*d. One replacement hydraulic mower for Dobson Ranch Golf Course as requested by the Parks, Recreation, and Cultural Programs Division.

The Purchasing Division recommends accepting the low bid meeting specification by Horizon at \$32,299.00 plus 7.0% sales tax of \$2,260.93 for a total of \$34,559.93.

- \*e. Two-year supply contract for lighting contactors as requested by the Materials and Supply Division.

The Purchasing Division recommends accepting the low bid by Arizona Electric Supply for annual purchases estimated at \$26,487.50 plus 5.70% sales tax of \$1,509.79 for a total of \$27,997.29.

- \*f. Modular office work stations for the Materials and Supply and Printing and Graphics Services Divisions as requested by the Public Works Department. These two divisions will be housed in the expanded warehouse facility currently under construction in the 6th Street Service Center yard.

The Purchasing Division recommends authorizing purchase from the State of Arizona contract with Goodman's Inc. at \$39,096.39 including materials, design services, delivery, installation, and applicable sales tax.

- \*g. Fire tools, hose, and related equipment for the Fire Department.

The Purchasing Division recommends accepting the low bid meeting specification for each item as follows:

Items 1, 16, 23, 28, 30-32 to United Fire Equip. Co. at \$27,557.27 plus 7.0% sales tax of \$1,921.01 for a total of \$29,486.28;

Items 2, 11, 22, 27, 39, and 45 to First In Inc. at \$32,757.85 plus 7.0% sales tax of \$2,293.05 for a total of \$35,050.90;

Items 3-6, 8-10, 12-15, 17-20, 26, 34-38, 40-41, 43-44, and 46-49 to L.N. Curtis & Sons at \$20,663.20 plus 5% use tax of \$1,033.16 for a total of \$21,696.36;

Items 7, 24-25, and 29 to SSI Emergency Equip. at \$1,148.88 plus 5.0% use tax of \$57.44 for a total of \$1,206.32; and

Items 21, 33, and 42 to Canyon State Emergency Products at \$7,875.15 plus 7.0% sales tax of \$551.26 for a total of \$8,426.41.

The combined award is then \$95,686.27 based on estimated requirements.

- \*h. Year 2000 upgrade for Hansen software as requested by the Utilities Department. This software provides a database for scheduling and tracking preventative maintenance performed on the equipment in the City's water and wastewater systems.

The Purchasing Division recommends accepting the bid by Hansen Information Technologies, Inc. at \$63,250.00 plus 5.0% use tax on the software of \$1,500.00 for a total of \$64,750.00.

- \*i. Arizona Museum for Youth Lighting Package - City of Mesa Project No. 99-29.1.

This project consists of the installation of lighting and electrical improvements at the Arizona Museum for Youth, located at 35 North Robson.

Recommend award to low bidder, AJP Electric, Inc., in the amount of \$33,000.00.

- \*j. Arizona Museum for Youth Acoustics Package - City of Mesa Project No. 99-29.

This project consists of the installation of acoustic material in the classroom building of the Arizona Museum for Youth located at 35 North Robson.

Recommend award to low bidder, Allied Acoustics, Inc., in the amount of \$17,000.00.

6. Introduction of the following ordinances and setting May 3, 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. Establishing a rate schedule for wastewater utility service.

Mayor Brown advised that this item relates to Item 3 on the agenda and that no citizens were present wishing to speak at the public hearing.

It was moved by Councilmember Kavanaugh, seconded by Councilmember Davidson, that an ordinance be introduced establishing a rate schedule for wastewater utility service and setting May 3, 1999 as the date for the public hearing on such ordinance.

Carried unanimously.

- b. Amending Section 11-2-2 of the Mesa City Code for Rezoning Case No. CZ99-001TC from TCR-2 and TCB-1 to TCB-2 for an area generally bounded by South Morris, West 3rd Avenue, South Lebaron, and West 2nd Avenue, and adopting an official supplementary zoning map, and providing penalties for the violation thereof.

Councilmember Hawker indicated that he had a potential conflict of interest in connection with the matter now under discussion which he wanted recorded in the minutes of the meeting, and because of such

conflict of interest, he would refrain from voting upon or otherwise participating in any manner in connection with same.

It was moved by Vice Mayor Giles, seconded by Councilmember Davidson, that an ordinance be introduced amending Section 11-2-2 of the Mesa City Code for Rezoning Case No. CZ99-001TC from TCR-2 and TCB-1 to TCB-2 for an area generally bounded by South Morris, West 3rd Avenue, South Lebaron, and West 2nd Avenue, and adopting an official supplementary zoning map, and providing penalties for the violation thereof; and setting May 3, 1999 as the date for the public hearing on such ordinance.

Upon tabulation of votes, it showed:

AYES - Brown-Davidson-Giles-Jaffa-Kavanaugh-Pomeroy  
NAYS - None  
ABSTAIN - Hawker

Mayor Brown declared the motion carried unanimously by those voting.

- \*c. Amending Sections 11-18-8, 11-18-9, and 11-18-12 of the Mesa City Code to allow the charging of a fee for administrative review of minor changes to approved plans.
- \*d. **Z99-19** The 500 through 700 block of South Lindsay Road (west side). Site plan modification (23+/- acres). This case involves the development of a single-residence subdivision.
- e. **Z99-25** The 1200 and 1300 blocks of North Ellsworth Road (east side). Rezone from R1-7 and R1-43 to R1-9-PAD (9+/- acres). This case involves the development of a single-residence subdivision.

Carol Owens, P.O. Box 1017, Apache Junction, spoke concerning the proposal and the importance of retaining natural vegetation. Ms. Owens advised that while she prefers no development in the area, she has met with the property owner and is satisfied with the plans for preservation. Ms. Owens noted that landscape buffers are to be included that will utilize natural plants.

Community Development Manager Wayne Balmer stated that this item relates to Item 10b on the agenda. Mr. Balmer explained that this property was recently annexed by the City and that pursuant to State law, comparable City zoning must be established. Mr. Balmer indicated that in the meantime, the owner has requested a rezoning of the property. Mr. Balmer clarified that Item 10b will establish the City zoning and that Item 6e is the introduction of the ordinance requesting rezoning, for which a public hearing will be held on May 3, 1999.

It was moved by Vice Mayor Giles, seconded by Councilmember Pomeroy, that an ordinance relating to Zoning Case Z99-25 (rezone from R1-7 and R1-43 to R1-9-PAD) be introduced and that May 3, 1999 be set as the date for the public hearing on this ordinance.

Councilmember Davidson spoke regarding residential development guidelines and expectations of the City. Councilmember Davidson stated appreciation for the comments expressed by Ms. Owens.

Carried unanimously.

- \*f. **Z99-26** Part of the 7400 block of East Hampton Avenue (north side). Rezone from AG (conceptual M-1) - DMP to M-1-DMP (4.4 acres). This case involves the development of a newspaper distribution facility.

- \*g. **Z99-30** The southwest corner of Southern Avenue and Ellsworth Road. Rezone from AG (conceptual C-2) to C-2 (1.16 acres). This case involves the development of a convenience store with gas pumps.
- \*h. Creating a Human Relations Advisory Board; amending Title 2 of the Mesa City Code, by adding a new Chapter 12.
- \*i. **Z99-20** The southwest corner of Country Club Drive and Juanita Avenue. Site plan modification (8.2 acres). This case involves the development of industrial, commercial, retail, office, and restaurant uses. **(Reintroduction.)**

7. Consider the following resolutions.

- \*a. Authorizing the City Manager to execute an intergovernmental agreement with the Town of Gilbert and the Rio Salado Crossing Multipurpose Facilities District relating to payment of election costs and indemnification for other potential liabilities - Resolution No. 7346.
- \*b. Authorizing the City Manager to execute an intergovernmental agreement with the Town of Queen Creek and the Rio Salado Crossing Multipurpose Facilities District relating to payment of election costs and indemnification for other potential liabilities - Resolution No. 7347.
- \*c. Setting May 17, 1999 as the date for the annual assessment hearing for the Mesa Town Center Improvement District - Resolution No. 7348.
- d. Authorizing the City Manager to execute an agreement between the U.S. Bureau of Reclamation, State of Arizona Department of Transportation, Maricopa County, and the Cities of Peoria, Phoenix, Scottsdale, and Mesa to study the feasibility of constructing a multiuse trail along the CAP Canal - Resolution No. 7350.

Councilmember Davidson spoke in favor of the project, which involves multiple jurisdictions, and encouraged individuals to contact the Maricopa County Board of Supervisors to lend their support.

Transportation Director Ron Krosting advised that this resolution will authorize the City Manager to execute an agreement to study the feasibility of constructing a multiuse trail along the CAP Canal. Mr. Krosting displayed a map illustrating the proposed route and estimated that six months will be required to complete the study. Mr. Krosting expressed the opinion that the proposal will allow for appropriate planning and that associated funds will be well utilized. Mr. Krosting stated that the results of the study will be presented to the City's Transportation Advisory Board for review and recommendation to Council.

Councilmember Hawker stated support for the proposal and encouraged input from the Salt River Pima Indian community.

It was moved by Councilmember Davidson, seconded by Councilmember Hawker, that Resolution No. 7350 be adopted.

Carried unanimously.

- \*e. Urging the Arizona State Legislature, the Justices of the Arizona Supreme Court, and the Presiding Judge of the Arizona Superior Court to authorize and fund the maximum feasible use of video and other technology in the operation of municipal courts - Resolution No. 7349.

8. Considering the following ordinance.

- \*a. Prohibiting parking on the south side of Main Street from Chestnut to the east City limits and on the north side of Main Street from Gilbert Road to the east City limits, as recommended by the Transportation Advisory Board - Ordinance No. 3612.

9. Consider the following recommendation from the Police Committee.

- a. Recommend approving the Request for Proposals (RFP) for a red light/photo radar traffic system.

Councilmember Pomeroy referred to statistics ranking Mesa second among cities in the number of red light accidents/fatalities prior to 1997. Councilmember Pomeroy advised that the City established a photo enforcement program in 1998, and as a result, the number of accidents has been reduced. Councilmember Pomeroy spoke concerning the importance of safety and indicated support for the proposed Request for Proposals (RFP) for a red light/photo radar traffic system.

It was moved by Councilmember Pomeroy, seconded by Councilmember Kavanaugh, that the recommendation of the Police Committee be approved.

In response to a question from Councilmember Jaffa, City Manager Charles Luster stated that the proposal will include left-turn arrows at five intersections.

Councilmember Hawker concurred with Councilmember Pomeroy concerning the key issue of safety. Councilmember Hawker noted an additional objective to improve the utilization of Police Department personnel and automate whenever feasible. Councilmember Hawker commented that review of the program by the City's Transportation Advisory Board may be necessary in the future to determine appropriate adjustments (e.g., increase speed limits within an area without compromising safety). Councilmember Hawker stated that he anticipates the results of the RFP.

Carried unanimously.

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

- \*a. **Z99-23** The northwest corner of Val Vista Drive and Baseline Road. Council Use Permit (60+/- acres). This case is for a mixed-use development as allowed under the Council Use Permit. Triple Five Nevada Dev. Corp., owner; Beus, Gilbert & Devitt, applicant - Ordinance No. 3613.

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

1. Compliance with the basic development as described in the project narrative and zoning case Z98-79, except as noted below.
2. Future review and approval by the Planning and Zoning Board of the residential preliminary plats.

- b. **Z99-24** The 1200 and 1300 blocks of North Ellsworth Road (east side). Establish City zoning (R1-7 and R1-43) (9± acres). Various, owner; City of Mesa, applicant. - Ordinance No. 3614

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

1. Compliance with stipulations established by the County Board of Supervisors.
2. Compliance with the Residential Development Guidelines where applicable.
3. Compliance with all City development codes and regulations.

4. Review and approval by the Planning and Zoning Board and City Council of future development plans.
5. Compliance with all requirements of the Public Works Department (Engineering and Traffic Engineering etc.).
6. Minimum lot size shall be 8,000 sq. ft. within the R1-7 zoning districts.

Community Development Manager Wayne Balmer advised that this item relates to Item 6e on the agenda. Mr. Balmer stated that this property was recently annexed by the City and pursuant to State law, comparable City zoning must be established. Mr. Balmer reiterated that the public hearing concerning the request for rezoning to R1-9-PAD (see Item 6e) will be held on May 3, 1999.

Vice Mayor Giles noted the previous County zoning classification of R1-8 and questioned the proposal to establish City zoning as R1-7. Mr. Balmer advised that the City does not have an R1-8 zoning classification but that a condition proposed for approval stipulates a minimum lot size of 8,000 square feet within the R1-7 zoning district, which is equivalent to the County zoning.

Councilmember Jaffa referred to Item 6e and expressed concern that the requested rezoning to R1-9-PAD is not in the best interest of the City. Councilmember Jaffa advised that he does not support the request as currently proposed and will not vote in favor of the proposal when presented for Council consideration.

It was moved by Vice Mayor Giles, seconded by Councilmember Pomeroy, that Ordinance No. 3614 be adopted (to establish City zoning).

Carried unanimously.

11. Consider the following subdivision plat.

- \*a. "BARRINGTON ESTATES" – The 8700 block of East Baseline Road (south side). 248 R1-6 PAD single-residence lots (40.9 acres). Key Construction, Inc., developer; Agra Infrastructure, Inc., engineer.

12. Items from citizens present (maximum of three speakers for three minutes per speaker).

There were no items from citizens present at this time.

13. Adjournment.

Without objection, the Council Regular Meeting adjourned at 6:30 p.m.

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WAYNE BROWN, MAYOR

ATTEST:

\_\_\_\_\_  
BARBARA JONES, CITY CLERK

Regular Council Meeting

April 19, 1999

Page 9

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 19th day of April 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