

COUNCIL MINUTES

December 2, 1996

The City Council of the City of Mesa met in a Regular Council Meeting in the Council Chambers, 57 East 1st Street, on December 2, 1996 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

Roy Dunkelbarger

OFFICERS PRESENT

C.K. Luster
Neal Beets
Barbara Jones

The Invocation was given by Dr. Jim Adams, Cornerstone Bible Church.

The Pledge of Allegiance was led by Richard Miles, Troop 457.

1. Approval of minutes of previous meetings as written.

It was moved by Councilmember Stapley, seconded by Councilmember Pomeroy, that the minutes of November 15, 18, and 22, 1996 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. Consider the following liquor license applications:

* a. SAAD MEMBER SAAD, AGENT

New beer and Wine Store License for Mobil Mart, 3565 E. Broadway Road. This is a new business, no previous liquor licenses at this location.

*b. JOHN ROBERT MARTI, AGENT

New Beer and Wine Store License for Drug Emporium, 1120 S. Country Club Drive. This is an existing business, no previous liquor licenses at this location.

*c. ERIC MICHAEL MACKLER, AGENT

New Hotel-Motel License for Holiday Inn, 1640 S. Country Club Drive. The License previously held at this location by Lawrence J. Benjamin, Agent, Management Payroll Services, Inc., will revert back to the State.

4. Consider the following contracts:

*a. 28 modular workstations for the third floor and one modular workstation for the first floor of the Mesa City Plaza Building as requested by the Public Works Department.

Council is requested to authorize purchase from the State of Arizona contract with Goodman's Inc. for a total of \$24,893.43 including materials, design services, delivery, installation and applicable sales tax.

b. Deleted.

*c. Pad mounted transformers for warehouse inventory to be used for various projects by Electric Utility.

The Purchasing Division recommends accepting the lowest bids meeting specification based on lifetime evaluated cost as follows:

Item 1 to Armstrong Sales and Associates of Tucson at \$5,696.00 plus 7.0% sales tax of \$398.72 for a total of \$6,094.72.

Item 2 to Border States Electric at \$10,092.00 plus 7.05% sales tax of \$711.48 for a total of \$10,803.48.

The combined award is then \$16,898.20.

*d. One-year renewal of the annual supply contract for uniforms for various city departments.

The Purchasing Division recommends exercising the first of two one-year renewal options with the original lowest overall bid by Amertex Uniforms at \$23,763.80 plus 6.95% sales tax of \$1,651.58 for a total of \$25,415.38 based on estimated requirements.

5. Consider recommendations from the Utility Committee meeting held November 22, 1996.

- *a. Approve a request for water service for a 40-acre site north of Oak Street and east of Hawes Road in accordance with staff recommendations.
- *b. Approve a request to provide water service to Desert Village South R.V. Park at Crismon Road and Jones Avenue in accordance with staff recommendations.

6. Introduction of the following ordinances and setting December 16, 1996 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. Pertaining to City Holidays; amending Section 420 of the Mesa Personnel Rules to conform to Proposition No. 408 as approved at the November 5, 1996 Special Election.
- *b. Increasing the speed limit from 30 mph to 35 mph on 80th Street from University Drive to Brown Road; establishing a 30 mph speed limit on Holmes Avenue from Greenfield Road to 48th Street and on Hampton Avenue from 48th Street to Higley Road; prohibiting parking on the north side of Sixth Avenue from Toltec to a point 120 feet west of Toltec, and on south of Emelita Avenue from the east face of curb of Sycamore, all as recommended by the Traffic Safety Committee.
- *c. **Z96-58** The 9600 and 9700 blocks of East Baseline Road (north side). Rezone from R-143 to R1-9 and R1-6 (52± acres). This case involves the development of a 175 lot conventional subdivision.
- *d. **Z96-96** The southwest corner of Power Road and Broadway Road. Establish land use restrictions for C-2 property (6± acres). This case involves two parcels of land which will be developed in conjunction with a cemetery.
- *e. Deleted.
- *f. **Z96-98** The 2500 block of South signal Butte Road (600' ± east of the right-of-way). Rezone from AG to R1-6-DMP (Conceptual R-2) (15± acres). The case involves the expansion of the "Sunland Springs Village DMP".
- *g. **Z96-99** East of the southeast corner of Baseline Road and Power Road. Site Plan Review (1± acre). This case involves development of a financial institution and office space.
- *h. **Z96-100** The 2900 block of East McKellips Road - (north side). Rezone from R-2 to R-2-PAD (10± acres). This case involves development of an 86 lot patio home project.

- *i. **Z96-102** 2560 East Main Street. Rezone from C-2 to C-3 (3 acres). This case involves the development of an RV sales lot.
- *j. **Z96-103** The 2200 and 2300 blocks of East Main Street (north side). Rezone from R1-6 and C-2 to C-3 (10± acres). This case involves the establishment of commercial zoning for retail sales.
- *k. **Z96-104** The 100 and 200 blocks of North 22nd Place (east side). Rezone from C-3 and R1-6 to R-2-PAD (14± acres). This case involves the development of a 145 single residence subdivision.
- *l. **Z96-105** The 1600 block of South Superstition Springs Boulevard (east side). Rezone from C-2-DMP to C-2-BIZ-DMP (2± acres). This case involves the development of a six story, 105 room LaQuinta Inn.
- *m. **Z96-106** The northeast corner of Grove and Westwood (3± acres). Rezone from C-2 DMP (Conceptual BIZ) to C-2-BIZ-DMP. This case involves the development of a seven story, 124 room LaQuinta Inn.
- *n. **Code Amendment:** Amending Sections 11-1-6, 11-13-2 and 11-18-8, regarding exceptions to height limits, the definition of building height and embellishment, and the authority and duties of the Design Review Board.

7. Consider the following resolution and ordinance:

- *a. Relating to the Privilege License Tax; Adopting "The 1996 Amendments to the City Tax Code of the City of Mesa, Arizona including a Taxpayer Bill of Rights" by reference; establishing an effective date and providing penalties for violations Resolution No. 6970 and Ordinance No. 3270.

8. Consider the following ordinances:

- a. Pertaining to traffic safety; Amending Title 10, Chapter 3 by adding a new section 19(1); prohibiting soliciting and distributing by pedestrians from roadways and traffic medians, as recommended by the Police Committee - Ordinance No. 3271.

Bill Brando, 61 South Macdonald, expressed the opinion that an ordinance which prohibits vendors from selling newspapers constitutes a violation of citizens' first amendment rights. Mr. Brando added the opinion that vendors selling issues of The Grapevine newspapers do not create disturbances and requested that the proposed ordinance be modified to include the wording "exclusive of any first amendment rights."

Councilmember Kavanaugh noted that vendors in the City of Mesa have not been responsible for any accidents or serious incidents to date. Councilmember Kavanaugh stated the opinion that the proposed ordinance has the potential of affecting free speech and indicated that he would not vote in support of this issue.

Councilmember Giles indicated that although he initially expressed concerns relative to the proposed ordinance, following research and discussion with members of the Council he has determined that the ordinance will preserve citizens' first amendment rights. Councilmember Giles stressed that the purpose of the ordinance is to enhance safety and noted that the ordinance is limited to activities in the roadway.

Councilmember Stapley discussed safety concerns relative to current vendor practices and added that the proposed ordinance is designed to prevent accidents.

It was moved by Councilmember Stapley, seconded by Councilmember Giles, that Ordinance No. 3271 be adopted.

Upon tabulation of votes, it showed:

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

Mayor Brown declared the motion carried by majority vote and Ordinance No. 3271 adopted.

- b. Pertaining to recreational activities; Amending Title 6, Chapter 10 by adding a new Section 3(H); regulating participation in archery in City parks and retention basin areas, as recommended by the Police Committee -Ordinance No. 3272.

Councilmember Kavanaugh spoke in opposition to the proposed ordinance and stated the opinion that sufficient complaints have not been received by the City relative to this issue to justify the regulations.

It was moved by Councilmember Stapley, seconded by Councilmember Pomeroy, that Ordinance No. 3272 be adopted.

Upon tabulation of votes, it showed:

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

Mayor Brown declared the motion carried by majority vote and Ordinance No. 3272 adopted.

9. Consider the following resolution:

- *a. Authorizing the City Manager to execute an Intergovernmental Agreement with Maricopa County and the cities of Chandler and Tempe for the United Food Bank expansion - Resolution No. 6971.

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

- *a. **Z96-64** The southwest corner of Brown Road and Greenfield Road. Rezone from AG to R1-15 (17± acres). This involves a proposed 28 lot single residence subdivision. US Development, owner; Ralph Pew, applicant. **THIS CASE IS CONTINUED TO THE DECEMBER 16, 1996 REGULAR COUNCIL MEETING. A 3/4 VOTE IS REQUIRED TO APPROVE THE APPLICANT'S REQUEST.**

P & Z Recommendation: Approval with conditions (Vote 5-2).

1. Compliance with the basic development as shown on the preliminary plat submitted, including deletion of lot #19 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. Dedication of the right-of-way required under the Mesa City Code at the time of application for a building permit, at the time of recordation of the subdivision plat, or at the time of the City's request for dedication whichever comes first;
 5. All street improvements and perimeter landscaping to be installed in the first phase of construction;
 6. Compliance with all requirements of the Subdivision Technical Review Committee;
 7. Compliance with letter dated October 17, 1996 from Ralph Pew;
 8. 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;
 9. Notice be provided to future residents that the project is within two miles of Falcon Field Airport; and
 10. Noise attenuation measures be incorporated into the design and construction of the homes to achieve a noise level reduction to 65 ldn.
- b. **Z96-85** The northwest corner of Pueblo Avenue and Crismon Road. Rezone from R1-43 to R1-6-PAD (17.15 acres). This case involves the development of a single residence subdivision. Noretta Williams Trust, owner; Metropolitan Land Co., applicant. **CITY COUNCIL DENIED THIS CASE AT THEIR OCTOBER 21ST MEETING. THE APPLICANT REQUESTED THIS CASE BE RECONSIDERED - Ordinance No. 3273.**

P&Z Recommendation: Approval with conditions (Vote 4-3).

1. Compliance with the basic development as described in the project description 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. Dedication of 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; and
5. Air conditioning units to be ground-mounted, all roofing to be tile, and compliance with residential diversity stipulations as described by the applicant; no two similar elevations to be adjacent to each other; a variety of housing and tile colors to be provided; and variation in front yard setbacks.

Bill Milne, Metropolitan Land Company, 4647 North 32nd Street, Phoenix, the applicant in this case, expressed the opinion that sufficient revisions to the proposal have been initiated to address neighbors' previously expressed concerns. Mr. Milne highlighted the site location for the Council and briefly discussed adjacent zoning in the area.

Discussion ensued relative to concessions made by the applicant and the fact that additional amenities have been added to the project.

Majel Olson, 9828 East Pueblo, #46, speaking on behalf of the residents of Rancho Reata Mobile Home Park, referred to photographs of the project and expressed concerns relative to the height of the wall surrounding the development. Ms. Olson requested that the Council deny the applicant's request.

Jeffrey Tang, 4743 East Mariposa, Phoenix, representing his parents, the owners of the property, concurred with Ms. Olson's concerns and spoke in support of requiring the developer to construct an 8-foot high buffer wall.

Mr. Milne informed the Council that the existing wall cannot be added to and in order to increase the walls' height, the existing wall would have to be torn down and then rebuilt. Mr. Milne discussed his willingness to ensure that the wall is at least six-feet tall across, perform needed repairs to the wall, address drainage problems and stipulate that only single-story homes will be built on the project's boundary. Mr. Milne added that he has eliminated the smallest size home and that the minimum size will be 1,000 square feet.

It was moved by Councilmember Stapley, seconded by Vice Mayor Gilbert that Ordinance No. 3273, which includes the above five stipulations and the additional concessions agreed to by the applicant, be approved.

Upon tabulation of votes, it showed:

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

Mayor Brown declared the motion carried by majority vote and Ordinance No. 3273 adopted.

11. Consider the following subdivision plats:

- *a. "ESTATES AT NORTHRIDGE" - The 2400 block of North 26th Street (west side) 38 R1-15-PAD single residence lots (16.91 acres). UTAZ Investments, L.L.C., developer; Ace Engineering, Inc., engineer.
- *b. "SIGNAL BUTTE RANCH" - The 100 through 300 blocks of South Signal Butte Road (west side). Signal Butte Land Partners, L.P., developer; Standage and Truitt Engineering, Ltd., engineer.
- *c. "SIGNAL BUTTE RANCH UNIT I" - The 100 through 300 blocks of South 104th Street (east side) 180 R1-7-PAD-DMP single residence lots (33.32 acres). Signal Butte Land Partners, L.P., developer; Standage and Truitt Engineering, Ltd., engineer.
- *d. "SIGNAL BUTTE RANCH UNIT II" - The 200 and 300 blocks of South Signal Butte Road (west side) 148 R1-7-PAD-DMP single residence lots (33.5 acres). Signal Butte Land Partners, L.P., developer; Standage and Truitt Engineering, Ltd., engineer.
- *e. "SIGNAL BUTTE RANCH UNIT III" - The 100 and 200 blocks of South Signal Butte Road (west side) 114 R1-7-PAD-DMP single residence lots (29.4 acres). Signal Butte Land Partners, L.P., developer; Standage and Truitt Engineering, Ltd., engineer.
- *f. "PARKWOOD RANCH" - The 800 through 1100 blocks of South Signal Butte Road (west side). Denro, developer; Standage and Truitt Engineering, Ltd., engineer.
- *g. "PARKWOOD RANCH PARCEL 2" - The 10400 and 10500 blocks of East Southern Avenue (north side) 78 R1-6-DMP single residence lots (16.63 acres). Denro, developer; Standage and Truitt Engineering, Ltd., engineer.
- *h. "PARKWOOD RANCH PARCEL 3" - The 10600 and 10700 blocks of East Southern Avenue (north side) 73 R1-6-DMP single residence lots (15.77 acres). Denro, developer; Standage and Truitt Engineering, Ltd., engineer.
- *i. "PARKWOOD RANCH PARCEL 6" - The 900 and 1000 blocks of South Signal Butte Road (west side) 83 R1-7-PAD-DMP single residence lots (14.99 acres). Denro, developer; Standage and Truitt Engineering, Ltd., engineer.

12. Adjournment.

It was moved by Councilmember Pomeroy, seconded by Councilmember Giles, that the Regular Council Meeting adjourn at 6:33 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 2nd day of December, 1996. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 20th day of December 1996

BARBARA JONES, CITY CLERK