

# COUNCIL MINUTES

February 1, 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 February 1, 1999 at 5:45 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  
  
Marc Therre

## OFFICERS PRESENT

C.K. Luster  
Neal Beets  
Barbara Jones

Invocation by Dr. Dale C. Olson, Bethlehem Lutheran Church.

Pledge of Allegiance was led by Jacob Veater, Boy Scout Troop #539.

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

It was moved by Vice Mayor Giles, seconded by Councilmember Kavanaugh, that the minutes of January 7, 8, 11, 14, and 19, 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 with an asterisk (\*) were approved with one Council action.

It was moved by Vice Mayor Giles, seconded by Councilmember Pomeroy, that the consent agenda items be approved.

Carried unanimously.

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

#### \*a. H. J. LEWKOWITZ, ATTORNEY/AGENT

Special Event License application of H. J. Lewkowitz, Attorney/Agent, for Compas, a 7-day charitable event to be held Thursday, February 4, 1999 through Saturday, February 6, 1999, from 6:00 a.m. to 1:00 a.m., Sunday, February 7, 1999, from 10:00 a.m. to 1:00 a.m. and Monday,

February 8, 1999 through Wednesday, February 10, 1999, from 6:00 a.m. to 1:00 a.m., at 2401 S. Lansing, Augusta Ranch Golf Club.

4. Consider the following Bingo Application – Location Transfers.

- \*a. Mesa Senior Center – Class A:  
Phyllis J. Scalf, Manager  
7550 E. Adobe Road  
Mesa, AZ 85207
- \*b. East Valley Seniors Foundation, Inc. – Class B:  
Daniel H. Taylor, Executive Director  
7550 E. Adobe Road  
Mesa, AZ 85207

5. Consider the following contracts.

- \*a. One-year renewal of the supply contract for leather drivers' gloves for the Materials & Supply Division warehouse inventory. These gloves are used by a variety of City departments.

The Purchasing Division recommends exercising the second and final one-year renewal option with the original low bid by Western Safety & Supply at \$15,120.00 plus 7.0% sales tax of \$1,058.40 for a total of \$16,178.40.

- \*b. One-year renewal of the supply contract for PE2406 gas valves for the Materials & Supply Division warehouse inventory to be used by the Utility Construction Division.

The Purchasing Division recommends exercising the first of two one-year renewal options with the original lowest bidder meeting specification, Kerotest Mfg. Corp., for estimated annual purchases of \$45,000.00 plus 5% use tax of \$2,250.00 for a total of \$47,250.00.

- \*c. One-year renewal of the supply contract for ¾" gas regulators for the Materials & Supply Division warehouse inventory to be used by the Utility Service Division.

The Purchasing Division recommends exercising the second and final one-year renewal option with the original low bidder, Schlumberger at \$45,540.00 plus 5% use tax of \$2,277.00 for a total of \$47,817.00 based on estimated requirements.

- \*d. Two-year supply contract for recapping of truck tires in Materials & Supply Division warehouse inventory.

The Purchasing Division recommends accepting the lowest overall bid by Roberts Tire Sales, Inc. at \$156,565.15 plus 7.40% sales tax of \$11,585.82 for a total of \$168,150.97 based on estimated requirements.

- \*e. 4 trucks and 4 vans for the Fire Department. 2 vehicles are replacements; 6 are additions to the fleet.

The Purchasing Division recommends authorizing purchase from the following State of Arizona contracts:

Items 1, 2 and 4 from Courtesy Chevrolet at \$67,276.90;  
Item 3 from Ed Moses Dodge at \$58,816.18; and  
Item 5 from O'Reilly Chevrolet at \$82,889.82.

All totals include applicable sales tax, and the combined award is \$208,982.90.

- \*f. One infrared camera and measuring device as requested by the Utilities Department. This equipment is used for preventative maintenance of overhead and underground power lines and equipment.

The Purchasing Division recommends accepting the low bid meeting specification by FLIR Systems, Inc. (alternate bid) at \$49,300.00 plus 5% use tax of \$2,465.00 for a total of \$51,765.00.

- \*g. Two-year supply contract for household paint and related sundry supplies. Several City departments including Building Maintenance, Parks Maintenance, Solid Waste and Street Maintenance use this contract.

The Purchasing Division recommends accepting the bid by Frazee Industries, for a two-year contract with first year purchases estimated at \$60,000.00.

- \*h. Two year supply contract for transformers for Materials and Supplies Division warehouse inventory. These transformers will be used for various electric projects by the Utilities Department.

The Purchasing Division recommends accepting the primary contract by Wesco Distribution and a secondary contract to Border States Electric for combined annual purchases estimated at \$250,000.

- i. Broadway Road 6-Inch High Pressure and 2-Inch Intermediate Gas Main Replacement.

This project consists of the replacement of high pressure and intermediate pressure gas line on Broadway Road between Country Club Drive and Mesa Drive.

Recommend award to low bidder, Northern Pipeline Construction Company, in the amount of \$249,196.85.

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 Kavanaugh, that recommendation of staff be approved.

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.

- \*j. Dobson Ranch Library Restroom Modifications. City of Mesa Project No. 99-31.

This project consists of modifications to an existing restroom at the Dobson Ranch Library located at 2425 South Dobson Road.

Recommend award to low bidder, Femcon, Inc., in the amount of \$24,478.00.

- \*k. 97/98 Neighborhood Lighting, Broadway Road to 8<sup>th</sup> Avenue, Mesa Drive to Hobson. City of Mesa Project No. 98-21.

This project consists of installation of new streetlights in existing neighborhoods in Mesa.

Recommend award to low bidder, Utility Construction Company, in the amount of \$193,964.00.

- l. Site 16 Alley Construction. City of Mesa Project No. 98-60.

This project consists of repairing existing City maintained alleys between Macdonald Street and Robson Street, south of First Avenue.

Recommend award to low bidder, Gunsight Construction Corporation, in the amount of \$37,337.00.

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 Councilmember Jaffa, seconded by Councilmember Pomeroy, that the recommendation of staff be approved.

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.

- 6. Introduction of the following ordinances and setting February 16, 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. **Z99-1** The northeast corner of Southern Avenue and Los Alamos. Rezone from R1-6 and R1-9 to PF (28± acres). This case involves the development of a community park.

- \*b. **Z99-2** The southwest corner of Sossaman and McDowell Roads. Rezone from R1-35-DMP (Conceptual R1-15) to R1-15-PAD (5± acres). This case involves the modification of Las Sendas DMP to allow separation of this parcel from the DMP and the development of a 10 lot residential subdivision.
- \*c. **Z99-3** Parcels 47 and 48 of Las Sendas. Rezone from R1-35 DMP (Conceptual R-2-PAD and R-3) to R1-6-PAD-DMP (19.3± acres). This case involves the development of a single residence subdivision.
- \*d. **Z99-4** The southwest corner of Power and Thomas Roads. Rezone from R1-9 (Conceptual C-2) to C-2 (5± acres). This case involves the development of a commercial strip center.
- \*e. **Z99-5** The 6600 and 6700 blocks of East Thomas Road (south side). Rezone from R1-9 (Conceptual C-2) to R1-6-PAD (6± acres). This case involves the development of a single residence subdivision.
- \*f. **Z99-6** 4150 East Main Street. Rezone from C-2 to R-4 and Site Plan Review (15± acres). This case involves the development of an apartment complex.
- \*g. **Z99-7** 5041 East Broadway Road. Rezone from AG to R-4-BIZ (0.5± acre). This case involves the conversion of a residence to office use.
- \*h. **Z99-8** 3155 East Main Street. Rezone from C-2 to C-3 (1± acre). This case involves the development of a mobile home sales/storage facility.
- \*i. **Z99-9** The NWC of Higley Road and Hampton Avenue. Rezone from R1-9 (Conceptual R-2-PAD) and C-2 to R-3 (18.4± acres). This case involves the development of an apartment complex.
- \*j. **Z99-11** The 6600 Block of East Superstition Springs Blvd. (south side). Council Use Permit (12± acres). This development allows a residential condominium project in the commercial district.
- \*k. Relating to auctioneers, pawnbrokers, scrap metal dealers, and second hand dealers; amending Sections 5-7-1 of the Mesa City Code; providing for severability and providing penalties for violations as recommended by the Police Committee.

7. Consider the following resolutions.

- \*a. Vacating a public right-of-way for North Whiting Street, north of Main Street – Resolution No. 7317.  
  
North Whiting is not used or needed as a public roadway.
- b. Ordering work on Special Improvement District No. 239 – Resolution No. 7321.  
  
This District will install pavement with ribbon curb and streetlights along North Brimhall Street from East Lehi Road to East Nance Street.

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 Jaffa, that Resolution No. 7321 be approved.

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 and Resolution No. 7321 adopted.

- \*c. Providing support for the application of HFM to the Maricopa HOME Consortium for funding under the HOME Investment Partnerships Program – Resolution No. 7318.
- \*d. Providing support for the application of A.R.M. of Save the Family to the Maricopa HOME Consortium for funding under the HOME Investment Partnerships Program – Resolution No. 7319.
- e. Granting an underground power easement to Salt River Project for a City of Mesa reservoir and pump station located at Thomas and Hawes Roads – Resolution No. 7322.

This easement is required by Salt River Project to provide electric service to Mesa's Apache Junction reservoir and pump station.

Councilmember Davidson 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 Councilmember Kavanaugh, seconded by Councilmember Hawker, that Resolution No. 7322 be approved.

Upon tabulation of votes, it showed:

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

Mayor Brown declared the motion carried unanimously by those voting and Resolution No. 7322 adopted.

- \*f. Approving the appointment of Keith Nath as Superintendent of Streets – Resolution No. 7320.

- \*g. Approving the recommendation of the study being conducted by the Arizona Department of Transportation (ADOT) on the Superstition Freeway regarding the addition of one high occupancy vehicle (HOV) lane and general purpose lanes, and urging other east valley cities to consider the regional implications of this issue as recommended by the Transportation Advisory Board and the Transportation Committee. **CONTINUED TO THE FEBRUARY 16, 1999 REGULAR COUNCIL MEETING.**

8. Consider the following ordinances.

- a. Historic Preservation Overlay District for the Evergreen District (HP98-001) (generally bordered on the south by University Drive; on the north by 8<sup>th</sup> Street; on the west by Robson St; and on the east by Macdonald Street – Ordinance No. 3590.

Vice Mayor Giles 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.

Councilmembers Kavanaugh and Jaffa commended the neighbors and staff on their efforts regarding the establishment of the Historic Protection Overlay District for the Evergreen District.

It was moved by Councilmember Pomeroy, seconded by Councilmember Davidson, that Ordinance No. 3590 be adopted.

Upon tabulation of votes, it showed:

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

Mayor Brown declared the motion carried unanimously by those voting and Ordinance No. 3590 adopted.

9. Consider the following subdivision plats.

- a. "MESA SPECTRUM" - The 1300 block of E. Baseline Road (north side) 7 M-1-CUP commercial lots (37.39 ac.) Vestar Arizona XXVI, L.L.C., Wal-Mart Real Estate Business Trust and Baseline Park Properties Ltd., developers; Cella Barr Associates, Inc., engineer.

Councilmember Kavanaugh commented on the fact that the proposal was not identified as a Wal-Mart project and stated the opinion that this omission was deliberate and inappropriate. Councilmember Kavanaugh said that he will vote to deny the plat to demonstrate his objection to the manner in which this case was presented.

Councilmember Jaffa concurred with Councilmember Kavanaugh's remarks and indicated his dissatisfaction with manner in which this project has evolved.

In response to a question from Councilmember Davidson, City Attorney Neal Beets advised that the Council's sole responsibility is to determine whether the applicant has met the technical subdivision requirements. Mr. Beets added that once the Council determines that all of the technical subdivision requirements have been met, the Council is compelled to approve the

subdivision plat. Mr. Beets suggested that in the future the Council may wish to instruct the Planning and Zoning Board not to approve cases unless all of the users are appropriately identified. Mr. Beets added that final approval rests with the Council and the identification requirement may also be enacted by the Council.

Councilmember Hawker expressed the opinion that the matter is solely a land use issue and said that if the land use supports the project, he will vote in support of the proposal.

It was moved by Vice Mayor Giles, seconded by Councilmember Hawker, that the 'MESA SPECTRUM' subdivision plat be approved.

Upon tabulation of votes, it showed:

AYES - Brown-Giles-Hawker-Pomeroy  
NAYS - Davidson-Jaffa-Kavanaugh

Mayor Brown declared the motion carried by majority vote.

- \*b. "PARCEL 7-A AT RED MOUNTAIN RANCH" - The 6600 block of E. Redmont Drive (south side) 3 R1-9-PAD-DMP single residence lots (0.85 ac.) Mehan Construction, Inc., developer; Digitech, Inc., engineer.
- \*c. "AUGUSTA RANCH PARCEL 13" - The 2200 block of S. Baldwin (west side) 89 R1-9-DMP single residence lots (28.4 ac.) A. R. Development, L.L.C., developer; American Engineering Company, engineer.
- \*d. "ROYAL PALMS CONDOMINIUMS" - The 1300 block of E. June Street (south side) 60 R-3-PAD condominium units (4.42 ac.) Royal Palms, L.L.C., developer; Allen Consulting Engineers, Inc., engineer.

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

Bill Brando, 61 South Macdonald, commented that two citizen initiatives seeking the removal of taxes from food and rental rooms in Mesa may appear on the same ballot as the Rio Salado Crossings Project. Mr. Brando urged the Council to provide the citizens of Mesa with sufficient information relative to the two initiatives and spoke in support of eliminating the taxes.

Mayor Brown commented that the two initiatives have not as yet been certified eligible for placement on a future ballot and added that City staff does not become involved in educational programs in support of or opposition to citizen initiatives. Mayor Brown added that it is the responsibility of the proponents and opponents of the initiatives to provide education to the voters.

11. Adjournment.

It was moved by Vice Mayor Giles, seconded by Councilmember Pomeroy, that the Regular Council Meeting adjourn at 6:23 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 February 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