



COUNCIL MINUTES

December 15, 2003

The City Council of the City of Mesa met in a Regular Council Meeting in the Council Chambers, 57 East 1st Street, on December 15, 2003 at 5:50 p.m.

COUNCIL PRESENT

Dennis Kavanaugh
Rex Griswold
Kyle Jones
Janie Thom
Claudia Walters
Mike Whalen

COUNCIL ABSENT

Mayor Keno Hawker

OFFICERS PRESENT

Mike Hutchinson
Debbie Spinner
Barbara Jones

Vice Mayor Kavanaugh excused Mayor Hawker from the entire meeting.

Invocation by Pastor Roger Williams, Jr., Calvary Baptist Church.

Pledge of Allegiance was led by representatives from Boy Scout Troop No. 157.

Mayor's Welcome.

Vice Mayor Kavanaugh welcomed everyone to the meeting. A videotaped presentation was aired that outlined meeting procedures and provided attendees with instructions relative to addressing the Council.

Presentation by the Mesa Storytelling Board of Directors.

Beth Coons, Executive Director of the Mesa Storytelling Festival, introduced Anita Farnsworth and Don Doyle, President and Vice President respectively of the Mesa Storytelling Festival Board of Directors. Ms. Coons reported on the success of the first annual event held in October 2003, and presented a check in the amount of \$5,000 to the City for the Mesa Public Library "Born to Read" Program. She noted that the event would be held again next year on October 22nd and 23rd.

Vice Mayor Kavanaugh and Councilmember Walters, speaking on behalf of the Council, congratulated the Storytelling Festival Board of Directors on the success of their inaugural event and expressed appreciation for the addition of a cultural event that will benefit the entire community.

1. 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 Councilmember Thom, seconded by Councilmember Walters, that the consent agenda items be approved.

Vice Mayor Kavanaugh declared the motion carried unanimously by those present.

*2. Approval of minutes of previous meetings as written.

Minutes from the December 1, 2003 City Council meetings.

3. Deleted.

4. Conduct a Public Hearing and consider an amendment to the land use map for the following Major General Plan Amendment:

- a. **GPMajor03-01- (District 6)** Proposed General Plan Land Use Amendment: Medium Density Residential 2-4 (2-4 du/ac), Mixed Use/Residential (30% at 15+ du/ac) and Neighborhood Commercial for the area between Ellsworth and Signal Butte Roads, from Elliot Road north to the Power Transmission Lines (583± ac). P&Z Recommendation: Denial. **CONTINUED FROM THE NOVEMBER 17, 2003 CITY COUNCIL MEETING. (See item 8a).**

Vice Mayor Kavanaugh advised that the applicant wished to address the Council and invited the applicant's representative to come forward.

Attorney Ralph Pew, Pew and Lake, 10 West Main Street, representing the applicant, stated that a difference of opinion existed with the City Attorney's Office relative to whether a General Plan could be amended at this public hearing, but he acknowledged that the Council would accept the City Attorney's opinion. He requested Council assistance in obtaining approval from the Federal Aviation Administration (FAA) with regard to departure procedures for Williams Gateway Airport and emphasized that the information was critical to the subject development. Mr. Pew advised that the applicant is requesting that GP03-01 (agenda items 4a and 8a) be withdrawn from Council consideration and that the public hearing be cancelled.

City Attorney Debbie Spinner advised that the Council could vote to delete the items from the agenda if there was agreement to act in accordance with the applicant's request.

It was moved by Councilmember Walters, seconded by Councilmember Griswold, to remove items 4a and 8a from the agenda.

Discussion ensued relative to the fact that many issues regarding Williams Gateway Airport require resolution; that the airport is a valuable asset that should be protected for the future, but at the same time development should be allowed to progress; that the issue of land usage is dependent on the airport flight patterns; and that resolution of the flight pattern issue with the

FAA should be designated as a high priority item for the City to address with the Federal government.

In response to a question from Councilmember Walters, Principal Planner Dorothy Chimel explained that four criteria are employed to determine if an amendment to the General Plan constitutes a Major Plan Amendment:

1. Any change in residential land use classification of 40 or more contiguous acres to any other land use classification.
2. A change in classification from non-residential to residential on 20 acres.
3. A change in land use for an aggregate total of 320 acres.
4. Any modification or elimination of a planned freeway, expressway, parkway or limited access arterial street.

Ms. Chimel noted that this information is available on the Planning website and, as the calendar is developed for 2004 Major Plan Amendment requests, staff will ensure that the criteria are clearly identified.

In response to a comment by Councilmember Walters, Ms. Chimel concurred that staff would work with the other property owners involved in this area to determine if some applications could be processed independently as minor amendments.

Councilmember Jones acknowledged that the developer made a strong effort to reach a compromise, but noted that resolution is dependent on obtaining flight pattern information from the FAA. He complimented the applicant for his effort and expressed the hope that the issue will be resolved quickly.

In response to Councilmember Whalen's comment that staff be urged to work with the Airport Authority to resolve the issue with the FAA in an expedited manner, City Manager Mike Hutchinson responded that staff is prepared to proceed in that manner.

Vice Mayor Kavanaugh declared the motion carried unanimously by those present.

- *b. **GPMinor03-03 – (District 6)** The 5800 block of East Southern Avenue (south side) on the east side of the Roosevelt Water Conservation District Canal. Generally located south and east of Southern Avenue and Higley Road. Change the Land Use Map from high-density residential to medium-density residential. This will allow for development of a 139-lot residential development with 7.09 du/ac. **CONTINUED FROM THE NOVEMBER 3 AND DECEMBER 1, 2003 COUNCIL MEETINGS. (See items 8I and 10a). CONTINUE TO THE JANUARY 5, 2004 REGULAR COUNCIL MEETING.**

5. Consider the following liquor license applications:

- *a. REVEREND DANIEL J. VOLLMER

Special Event License application of Rev. Daniel J. Vollmer, Associate Pastor, Christ the King Catholic Church, a one-day religious event to be held Saturday, February 14, 2004 from 7:00 p.m. to 11:00 p.m. at 1551 E. Dana Avenue.

*b. CLARE HOLLIE ABEL, AGENT

Person and Location Transfer Liquor Store for Wal-Mart Neighborhood Market #5257, 5122 E. University Drive. This is a vacant lot currently under construction. This is a person and location transfer from Randy Guse, Agent, Walgreens #806 at 1120 S. 16th St., Phoenix. This license will transfer to the applicant.

*c. CLARE HOLLIE ABEL, AGENT

Person and Location Transfer Liquor Store for Wal-Mart Neighborhood Market #5332, 730 E. McKellips Road. This is a vacant lot currently under construction. This is a person and location transfer from Randy Guse, Agent, Walgreens #3008 at 785 S. Cooper Road, Gilbert. This license will transfer to the applicant.

*d. CLARE HOLLIE ABEL, AGENT

Person and Location Transfer Liquor Store for Wal-Mart Supercenter #2767, 4505 E. McKellips Road. This is a vacant lot currently under construction. This is a person and location transfer from Randy Guse, Agent, Walgreens #02024 at 4239 W. McDowell Road, Phoenix. This license will transfer to the applicant.

*e. JASON B. MORRIS, AGENT

New Beer and Wine Store License for CVS Pharmacy #5812, 5954 E. McDowell Road. This lot is currently under construction. No previous liquor licenses at this location.

*f. JASON B. MORRIS, AGENT

New Beer and Wine Store License for CVS Pharmacy #5814, 9950 E. Guadalupe Road. This lot is currently under construction. No previous liquor licenses at this location.

*g. PATRICK D. MCMULLEN, AGENT

New Restaurant License for Giordano's, 2909 S. Dobson Road. This is an existing business. The Restaurant License previously held at this location by Cheryl C. Maxfield, Individual, Giordano's, will revert back to the State.

*h. PHILIP J. MACDONNELL, AGENT

New Restaurant License for Red Robin Americas Gourmet Burgers & Spirits, 6632 E. Superstition Springs Boulevard. This is a vacant lot currently under construction. No previous liquor licenses at this location.

6. Consider the following contracts:

- *a. AutoCAD Software Licenses as requested by Information Services.

The Purchasing Division recommends authorizing purchase from DLT Solutions, c/o CADsoft Consulting, for a total of \$12,127.20, including applicable sales tax. Total recommended award is \$12,127.20.

- *b. Additional purchase option for optically controlled traffic control equipment as requested by the Transportation Division.

The Purchasing Division recommends authorizing additional purchases on the current supply contract with 3M Company at \$36,432.00 including applicable use tax based on estimated requirements between now and the contract expiration on March 31, 2004.

- *c. Two replacement trucks for Fire Resources.

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

One truck from Five Star Ford for a total of \$24,538.27; and one truck from Courtesy Chevrolet for a total of \$29,132.02. The combined award is then \$53,670.29.

- *d. Three-year supply contract for wood poles for use by the Utilities Department.

The Purchasing Division recommends accepting the second low bid by Arizona Pacific at \$108,033.74 including applicable sales tax.

- *e. Desert Well No. 16, Drilling Phase, City of Mesa Project No. 01-602-001.

This project will drill a new well near Elliot and Crismon to expand the City's water supply capabilities and system reliability in the southeast portion of the Desert Wells Zone.

Recommend award to low bidder, Zim Industries, in the amount of \$462,917.00, plus an additional \$46,291.70 (10% allowance for change orders) for a total award of \$509,208.70.

- *f. Solid Waste Building Expansion and Re-Roof, City of Mesa Project No. 01-652-002.

This project will re-roof and add approximately 2,700 sq. ft. to the Solid Waste Building (formerly the Electric Operations Building). The addition will include a conference/training room and restroom / locker room for field personnel. In addition, this project will complete revisions to the parking and landscaping around the building.

Recommend award to low bidder, Ardavin Construction, in the amount of \$510,023.00, plus an additional \$51,002.30 (10% allowance for change orders) for a total award of \$561,025.30.

- *g. Bus Pullout and Shelter Relocations at Various Locations, City of Mesa Project 00-046.1.

This project will install 1 bus pullout, relocate 5 existing shelters to better locations, and will restore a bus pullout at Fiesta Mall through pavement markings and minor parking area modifications.

Recommend award to low bidder, Krisdan Company, in the amount of \$111,255.75, plus an additional \$11,125.58 (10% allowance for change orders) for a total award of \$122,381.33.

- *h. Dobson Ranch Golf Course Fence Replacement, Phase 10, City of Mesa Project No. 01-266-001.

This project will replace the existing fence with a new combination block and wrought iron fence, which will enhance the aesthetics for the golf course and the residents and will also eliminate the maintenance problem of the old fence.

Recommend award to lower bidder, Five Points Construction, in the amount of \$98,480.00, plus an additional \$9,848.00 (10% allowance for change orders) for a total award of \$108,328.00.

7. Introduction of the following ordinances and setting January 5, 2004, as the date of public hearing on these ordinances:

- *a. Amending various sections of the Mesa City Code regarding the following traffic modifications:

No Parking: 10-3-24 (D) (Full Time No Parking)

On Solomon from Baseline Road to a point 280 feet north of Baseline Road. (west of Stapley Drive between Baseline Road and the Superstition Freeway)

On the west side of Sycamore from 1st Avenue to a point 210 feet north of 1st Avenue. (south of Main Street and east of Dobson Road)

On the north side of 1st Avenue from Sycamore to a point 625 feet west of Sycamore. (south of Main Street and east of Dobson Road)

On the north side of 1st Street from Mesa Drive to a point 410 feet west of Mesa Drive. (west of Mesa Drive between Main Street and University Drive)

On the west side of 32nd Street from a point 133 feet north of Menlo Circle to a point 365 feet north of Menlo Circle. (south of McDowell Road between Lindsay Road and Val Vista Drive)

No Parking: 10-3-24 (F9) (No Parking, 10:00 pm – 4:00 am)

On the east side of Solomon from Baseline Road to a point 280 feet north of Baseline Road. (Remove Prohibition) (west of Stapley Drive between Baseline Road and the U.S. 60)

- *b. Amending Sections 11-16-2 and 11-13-2 of the Zoning Ordinance regarding "Vehicle Display Platforms."
- c. Amending Sections 11-19-5 and 11-19-8 of the Zoning Ordinance regarding "Vehicle Signs."

Councilmember Thom stated that this item was removed from the Consent Agenda at her request. She noted that the proposed changes to the ordinance address advertising on vehicle signs, and there are several changes and additions that may significantly impact local businesses. Councilmember Thom suggested that interested citizens and businesses review the proposed amendments to the ordinance on the City's website.

It was moved by Councilmember Thom, seconded by Councilmember Whalen, that this item be brought forward for introduction at a public hearing at the January 5, 2004 Regular Council Meeting.

Vice Mayor Kavanaugh declared the motion carried unanimously by those present.

- *d. **HL03-001TC (District 4)** 26 North Macdonald Street. Historic Landmark Overlay for the Federal building. City of Mesa, owner, Historic Preservation Committee, applicant.
- e. **Z03-26 (District 6)** North and east of the northeast corner of Crismon Road and Southern Avenue (18.9 ac. ±) Site Plan Modification. This case involves the development of an apartment complex. Glenn Walling, Coyote Landing Limited Partnership, owner; Denise Burton, Broadbent and Associates, Inc., applicant.

REMOVED FROM THE AGENDA BY STAFF.

- *f. **Z03-53 (District 5)** 1231 North Greenfield Rd (Lot 1 of Mountain View Plaza). Located north and east of Brown Road and Greenfield Road. (1.22 ac. ±) Site Plan Modification. This request is for the development of a drive-thru restaurant. MVP Equities Limited Partnership, owner; Stephanie Rowe; Reece, Angell, Rowe Architecture, applicant.
- *g. **Z03-55 (District 5)** The 100 – 200 blocks of north Power Road (west side). North and west of Main Street and Power Road. (2.58± ac.) Rezone from Maricopa County R1-8 and C-O to City of Mesa R1-9 and O-S. This case involves the establishment of City zoning on recently annexed property. Various owners; City of Mesa, applicant.
- *h. **Z03-56 (District 6)** The northwest corner of Florian Avenue and Ellsworth Road. North and west of Southern Avenue and Ellsworth Road. (2.86± ac.) Rezone from Maricopa County C-1 P.D. (Conceptual Plan of Development) to City of Mesa C-1. This case involves the establishment of City zoning on recently annexed property. Ellsworth Plaza Partnership, owner; City of Mesa, applicant.
- *i. **Z03-57 (District 5)** The north and south sides of University Drive between North 90th Street and North 93rd Street. Generally located around the intersection of Ellsworth Road and University Drive. (55.82± ac.) Rezone from Maricopa County, R-5, C-2 CUPD, C-2 P.D. (Conceptual Plan of Development), C-S, and Rural-43 to R-4, C-2, and R1-43. This

case involves the establishment of City zoning on recently annexed property. Various owners; City of Mesa, applicant.

- *j. **Z03-60 (District 5)** 4722 East Ivy Street. South and east of Greenfield Road and McKellips Road. (1.24 ac. ±) Rezone from M-1 to M-1 PAD. This case involves rezoning an existing building to allow individual ownership. Commerce Capital Investments, LLC (Rick Dobkin), owner; Greg Hitchens, applicant.
- *k. **Z03-61 (District 5)** 11530, 11540 and 11550 East University Drive. Located north of University Drive and west of Meridian Drive. (4.96 ac. ±) Site Plan Review. This request is for the development of a commercial shopping center. Henry Keith, owner; Gloria Walker, Andrews Design Group, applicant.
- *l. **Z03-62 (District 2)** 3607 East McKellips Road. Located south and east of McKellips Road and Val Vista Road. (1.15 ac. ±) Rezone from R1-35 to OS PAD. This request is for the development of an office building. Michael Shane Beus, Lindsey Beus Worthen, Patrick Beus, and Ryan David Beus (SLPR, LLC), owner; Eric A. Faas, applicant. Three ordinances are to be introduced.
- *m. **Z03-63 (District 6)** Southeast corner of Crismon Road and US-60 Freeway (32.26 ac. ±) Rezone from R-3 to R-2 PAD. This request is for the development of a single-family residential subdivision. Mike Hare, owner; Pew and Lake, P.L.C., Sean Lake, applicant.

8. Consider the following resolutions:

- a. **GPMajor03-01- (District 6)** Adopting an amendment to the Mesa 2025 General Plan, A Shared Vision, as depicted by the attached map for case GPMAJOR03-01, and directing municipal efforts toward implementation of the goals, objectives, and policies stated within the plan. P&Z Recommendation: Denial.

ITEMS 4a and 8a REMOVED FROM THE AGENDA BY COUNCIL ACTION (see Agenda Item 4a) AT THE REQUEST OF THE APPLICANT.

- b. Authorizing the City Manager to execute an Intergovernmental Agreement between the City of Mesa and Mesa Public Schools for cooperative use of the City's and the Mesa Public Schools' facilities – Resolution No. 8163.

Councilmember Walters declared a potential conflict of interest and stated that she would refrain from discussion/participation in this agenda item.

It was moved by Councilmember Thom, seconded by Councilmember Whalen, that Resolution No. 8163 be adopted.

Upon tabulation of votes, it showed:

AYES - Griswold-Jones-Kavanaugh-Thom-Whalen
NAYS - None
ABSTAIN - Walters
ABSENT - Hawker

Vice Mayor Kavanaugh declared the motion carried unanimously by those present and voting and Resolution No. 8163 adopted.

- *c. Authorizing the City Manager to execute an agreement between the City of Mesa and the Arizona Criminal Justice Commission to pay for equipment to improve digital imaging and overtime compensation to enhance crime laboratory results in firearms cases committed in the City of Mesa – Resolution No. 8156.
- *d. Authorizing the City Manager to execute an agreement between the City of Mesa and the Arizona Criminal Justice Commission to pay for equipment and overtime to improve crime laboratory results in firearms cases committed in the City of Mesa – Resolution No. 8157.
- *e. Pertaining to the regulation governing water flowing upon streets by transferring such regulation from Title 6 to Title 8 of the Mesa City Code; deleting Section 6-1-14 and amending Section 8-6-3.
- *f. Approving and authorizing the City Manager to execute an agreement between the Regional Public Transportation Authority and the City of Mesa – Resolution No. 8158.
- g. Approving and authorizing the City Manager to execute an Intergovernmental Agreement between the City of Mesa and the Arizona Department of Health Services which will allow Mesa to transmit certain Emergency Medical Support data from its Fire Records System to the Arizona Department of Health Services, Office of Bioterrorism & Epidemic Preparedness & Response – Resolution No. 8164.

Vice Mayor Kavanaugh stated that Councilmember Thom requested the removal of this item from the Consent Agenda in order to provide the Fire Department with an opportunity to make a brief presentation.

Assistant Fire Chief Cliff Puckett, Jr. addressed the Council and advised that the purpose of this agenda item was to enable the City of Mesa to participate in a pilot program with the Arizona Department of Health Services that would utilize shared data as a biological surveillance tool. He explained that the City of Mesa is designated as a Metropolitan Medical Response System (MMRS) community and as such, Mesa is under contract with the Federal government to prepare an Enhanced Terrorism Response Plan for the community. Assistant Chief Puckett stated that the three areas covered by the plan are chemical, nuclear and biological responses, and that a category exists under biological response called “surveillance.” He noted that a chemical or nuclear event would be detected very quickly, but detection of a biological release could take weeks. Assistant Chief Puckett explained that sharing data in this pilot program could identify symptoms and trends in medical calls that are outside of the normal range. He added that the Arizona Department of Health Services would collect the data every 24 hours from various sources, including hospitals and health agencies, and then analyze the data to identify any trends that might require further investigation. Assistant Chief Puckett clarified that identification of patients would not occur and that the only information to be provided to the Arizona Department of Health Services would be symptoms and statistical data.

In response to a question from Vice Mayor Kavanaugh, Assistant Chief Puckett stated that in the event of an alert, the Mesa Fire Department would coordinate with and follow the advice of the County Public Health Department and the State agencies. He noted that the Fire Department has practiced mass immunizations and mass distribution of antibiotics and, if that would be the recommendation of the State and County experts, Mesa has systems in place to support that activity.

Councilmember Thom thanked Assistant Chief Puckett for the informative presentation and asked if the Fire Department would require additional personnel to administer this program.

Assistant Chief Puckett advised that the Arizona Department of Health Services is funding the project through a Federal grant and that the equipment has already been purchased. He added that the Medical Coordinator assigned to the Emergency Management Division will be utilized for the program, and the Fire Department anticipates that no additional staff support would be required.

It was moved by Councilmember Griswold, seconded by Councilmember Walters, that Resolution No. 8164 be adopted.

Vice Mayor Kavanaugh declared the motion carried unanimously by those present and Resolution No. 8164 adopted.

- *h. Approving and authorizing the City Manager or his authorized representative to execute an Amendment and Assignment of Power Purchase and Sale Agreement between the City of Mesa and American Electric Power Service Corporation – Resolution No. 8159.
- *i. Approving and authorizing the City Manager to certify the Baseline Court Collections for the fiscal year 2002-2003 as required by A.R.S. 12-116.04 – Resolution No. 8160.
- *j. Approving and authorizing the City Manager to execute an Intergovernmental Agreement between the City of Mesa and State of Arizona, by and through the Department of Transportation to advance the application of rubberized asphalt on the Red Mountain Freeway from Val Vista Drive to Higley Road – Resolution No. 8161.
- *k. Amending Resolution 8043 related to fees and charges for the Engineering Construction Division for declaring this resolution and said fees and charges to be a public record – Resolution No. 8162.
- *l. **GPMInor03-03 (District 6)** – The 5800 block of East Southern Avenue (south side). South of the Salt River Project sub-station on the west side of the Roosevelt Water Conservation District Canal. Generally located south and east of Southern Avenue and Higley Road. Adopting a minor amendment to the General Plan that would change 20± acres parcel from high-density residential (HDR) to medium-density residential (MDR).
CONTINUED FROM THE NOVEMBER 3 AND DECEMBER 1, 2003 COUNCIL MEETINGS. CONTINUE TO JANUARY 5, 2004 REGULAR COUNCIL MEETING.

9. Consider the following recommendation from the Finance Committee.

- *a. Approving the structure and concept for the upcoming citizen review process relating to the City of Mesa's financial status.

10. Consider the following case from the Planning and Zoning Board and possible adoption of the corresponding Ordinances;

- *a **Z03-44 (District 6)** – The 5800 block of Southern Avenue (south side). South of the Salt River Project substation on the west side of the Roosevelt Water Conservation District Canal (20± acres). Generally located south and east of Southern Avenue and Higley Road. Rezone from R-3 to R1-6 PAD. This request is for the development of a residential subdivision. Harris Bank, N.A., owner: Chris Clonts, KB Homes applicant.
CONTINUED FROM THE NOVEMBER 3 AND DECEMBER 1, 2003 COUNCIL MEETINGS. CONTINUE TO THE JANUARY 5, 2004 REGULAR COUNCIL MEETING.

11. Items from citizens present.

There were no items from citizens present.

12. Adjournment.

Without objection, the Regular Council Meeting adjourned at 6:28 p.m.

KENO HAWKER, 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 15th day of December 2003. I further certify that the meeting was duly called and held and that a quorum was present.

BARBARA JONES, CITY CLERK

baa