

COUNCIL MINUTES

October 7, 1996

The City Council of the City of Mesa met in a Regular Council Meeting in the Council Chambers, 57 East 1st Street, on October 7, 1996 at 5:36 P.M.

COUNCIL PRESENT

Mayor Wayne Brown
Pat Gilbert
John Giles
T. Farrell Jensen
Dennis Kavanaugh
Joan Payne
Jim Stapley

COUNCIL ABSENT

None

POLICE OFFICER
PRESENT

Robert Nesbit

OFFICERS PRESENT

C.K. Luster
Neal Beets
Barbara Jones

The Invocation was given by Councilmember Stapley.

The Pledge of Allegiance was led by Councilmember Payne.

Presentation of the Pride of Mesa award to the Mesa Youtheatre.

Mayor Brown introduced Jenny Akridge and Kathy Bariss, representing the Mesa Youtheatre and congratulated them on the Mesa Youtheatre's selection as the recipient of the Pride of Mesa Award, presented by the Mesa Pavilion Hilton Hotel. Mayor Brown presented Ms. Akridge and Ms. Bariss with a memento of the occasion and noted that the Mesa Youtheatre is also celebrating its 20th anniversary. Mayor Brown advised that the Pride of Mesa Award was created to honor groups and individuals who represent the best service to the community and commended the Mesa Youtheatre for its dedication and service to the community's youth.

1. Approval of minutes of previous meetings as written.

It was moved by Councilmember Stapley, seconded by Councilmember Jensen, that the minutes of September 20, 24, and 27, 1996, be approved.

Carried unanimously.

2. Prescheduled public opinion appearances. (Maximum of three speakers for five minutes per speaker).

a. Hear from Kirby Allan regarding "Mesa's political pollution."

Mr. Allan presented remarks relative to "Mesa's political pollution" and spoke in opposition to City of Mesa government and leadership.

b. Hear from Bud Smith regarding the Mesa City Charter.

Mr. Smith referred to Section 101.1 in the Mesa City Charter relative to the Council's authority to adopt and enforce by ordinance exterior design and landscaping guidelines for buildings, structures, and open spaces. Mr. Smith expressed the opinion that citizens of Mesa are being denied their constitutional rights and requested that the Council abolish the design review codes.

c. Hear front Bill Brando regarding "A more informative agenda format."

Mr. Brando provided the Council with a memorandum containing suggestions to develop a more informative and productive City Council agenda format and briefly highlighted the recommendations submitted for Council consideration.

Mayor Brown thanked the speakers for their input.

3. 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 Jensen, seconded by Councilmember Stapley, that the consent agenda items be approved.

Carried unanimously.

4.1. Consider a resolution declaring the Mesa Town Center in need of redevelopment - Resolution No. 6953.

Bill Brando, 61 South Macdonald, spoke in opposition to classifying the Town Center as a 'slum and blighted area.'

In response to a question from Councilmember Giles, City Attorney Neal Beets advised that the language referred to by Mr. Brando is in accordance with State Statute and does not reflect condemnation of the entire one-mile square area.

It was moved by Councilmember Kavanaugh, seconded by Councilmember Jensen, that Resolution No. 6953 be adopted.

Carried unanimously.

4. Conduct a public hearing to approve the Mesa Town Center Redevelopment Plan.

Mayor Brown announced that this is the time and place for a public hearing regarding the Mesa Town Center Redevelopment Plan.

Bill Brando, 61 South Macdonald, stated the opinion that a complete redevelopment plan should be developed and presented to the citizens for their visual inspection prior to approval.

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

4.2. Consider a resolution approving a Redevelopment Plan for the Mesa Town Center area - Resolution No. 6954.

Councilmember Kavanaugh advised that the proposed Redevelopment Plan for the Mesa Town Center area was developed by staff in response to citizen input and added that the plan represents a comprehensive vision of Town Center in the future.

It was moved by Councilmember Kavanaugh, seconded by Councilmember Jensen, that Resolution No. 6954 be adopted.

Carried unanimously.

5. Consider the following liquor license applications:

* a. RIC S. SERRANO, CHAIRMAN

Special Event License application of Ric S. Serrano, Chairman, for Chandler Compadres, a one-day civic event to be held Saturday, October 12, 1996, from 5:00 p.m. to 12:00 Midnight, at 1126 S. Gilbert Road, O'Malley's Building.

*b. EDWARD W. DENNY, EXECUTIVE DIRECTOR

Special Event License application of Edward W. Denny, Executive Director for Phoenix Bach Choir, a one-day civic event to be held Saturday, October 19, 1996 from 9:00 a.m. to 5:00 p.m., at 1361 S. Alma School Road, Borders Books & Music Store.

6. Consider the following contracts:

*a. 500 tons of latex modified slurry seal C.Q.S.H. emulsion as requested by the Street Maintenance Division.

The Purchasing Division recommends accepting the only bid by Copperstate Emulsions at \$98,000.00 plus 7.25% sales tax of \$7,105.00 for a total of \$105,105.00 based on estimated requirements.

- *b. Annual supply contract for storm water pump repair and maintenance at 42 various sites in Mesa as requested by the Transportation Division.

The Purchasing Division recommends accepting the low bid by Layne Western at \$60,120.00 based on estimated requirements.

- *c. One-year renewal of the annual supply contract for plastic refuse container lids as requested by the Solid Waste Division. These lids are used on 3, 6 and 8 cubic yard refuse containers.

The Purchasing Division recommends exercising the first and only one-year renewal option with the original low bid meeting specification by Consolidated Fabricators Corp. at \$45,250.00 plus 5% use tax of \$2,262.50 for a total of \$47,512.50 based on estimated requirements.

- *d. One replacement and one new utility truck for the Utility Construction Division.

The Purchasing Division recommends exercising an additional purchase option from RFB #95122 with the low bidder (for item 2), Sanderson Ford at \$97,111.58, including applicable sales tax and extended warranties.

- e. 425 Police batons and scabbards as requested by the Police Department. This equipment is part of the items issued as standard equipment for patrol officers.

The Purchasing Division recommends accepting the low bid by San Diego Police Equipment at \$23,978.72 plus 5% use tax of \$1,198.93 for a total of \$25,177.65.

Mayor Brown noted that one of the bidders has filed a protest in opposition to the awarding of this contract. Mayor Brown encouraged anyone present wishing to speak on this item to come forward and noted that there was no response to his request for input.

It was moved by Vice Mayor Gilbert, seconded by Councilmember Stapley, that the recommendation of staff be approved.

Carried unanimously.

- *f. 5,200 each 90 gallon capacity refuse containers requested by the Solid Waste & Facilities Division.

The Purchasing Division recommends authorizing an additional purchase option from RFB #95047 with the low bid meeting specification from Toter, Inc. at \$238,940.00 plus 5% use tax of \$11,947.00 for a total of \$250,887.00.

- *g. Supply Contracts for Network Hardware (Hubs and Routers) for Projects involving Various City Departments as requested by the Information Services Division (ISD).

The Purchasing Division endorses ISD's recommendation to establish a one-year supply contract for routers with Forte. Products Group as primary supplier and Darcomm as secondary supplier, for an amount not to exceed \$405,335.88. The secondary supplier will be utilized in the event that the primary supplier cannot meet the City's requirements. The Purchasing Division also endorses ISD's recommendation to establish a one-year supply contract for hubs with Cabletron Systems for an amount not to exceed \$2,018,029.26. The combined total is \$2,423,365.14 based on estimated requirements.

- *h. Helicopter- repair parts as requested by the Police Department.

The Purchasing Division recommends accepting the following bids: Seaside Helicopters, Inc. base bid items 1, 3-5, 8-13, 15, 16, 18-28 and alternate bid items 6, 7, 14, 17 at \$28,405.72 plus 5% use tax of \$1,420.29 for a total of \$29,826.01; and Flight Trails Helicopters for item 2 at \$1,890.01 plus 5.75% sales tax of \$106.68 for a total of \$1,998.69. The combined award is then \$31,824.70.

- *i. Pro-Log RTU sub-assemblies and accessories as requested by the Utility Operations Division.

The Purchasing Division recommends accepting the low bid meeting specifications as follows:

Items 1 and 8 to Pro-Log Corp. c/o Vic Myers Associates at \$79,968.00 plus 6.95% sales tax of \$5,557.77 for a total of \$85,525.77;

Item 2 to Graybar Electric at \$9,540.00 plus 7.05% sales tax of \$672.57 for a total of \$10,212.57;

Items 3, 5-7, 12 and 15 to Summit Electric Supply at \$15,531.26 plus 7.05% sales tax of \$1,094.95 for a total of \$16,626.21;

Item 4 to Border States Electric at \$8,751.60 plus 7.05% sales tax of \$616.98 for a total of \$9,368.58;

Item 10 to Reynolds Aluminum Supply at \$2,495.33 plus 7.05% sales tax of \$175.92 for a total of \$2,671.25;

Item 11 to Smith Pipe & Steel at \$1,121.20 plus 7.05% sales tax of \$79.04 for a total of \$1,200.24; and

Item 16 to Royal Wholesale Electric at \$6,742.50 plus 5.75% sales tax of \$387.69 for a total of \$7,130.19.

The combined award is then \$132,734.81.

7. Introduction of the following ordinances and setting October 21, 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. Granting a non-exclusive license to Metricom, Inc. to install a wireless digital communications radio network within Mesa's street right-of-way with connections to existing street light poles.
- *b. **CZ96-3TC** A portion of the 200 block of South Hibbert (Parcels 138-47-43, 48A, 49A, 50, and 51). Rezone from TCR-2 (restricted multiple residential) to TCB-2 (general commercial/light manufacturing).

This case involves a proposal to construct new industrial space in the northwest quadrant of Mesa Block 17, bounded by South Hibbert to the west, East Second Avenue to the north, South Pomeroy to the east, and East Third Avenue to the south. The applicant also proposes to modify existing Special Use Permits approved for outdoor storage activities and variances to reduce on-site parking and landscaping requirements in conjunction with the renovation of an existing commercial structure.

- *c. **Z96-39** The northeast corner of McKellips Road and Harris Drive. Rezone from AG to R1-9. This case involves the development of a conventional 117 lot residential subdivision.. Barney Trust, Hansen Trust, Jarvis Trust, Brown, & Harper's Nursery, owners; Metropolitan Land Co., applicant.
- *d. **Z96-58** The 9600 and 9700 blocks of East Baseline Road (north side). Rezone from R1-43 to R1-9 and R1-6 (52± acres). This case involves the development of a 193 lot conventional subdivision. Mesa 50 LC, owner; Gerry La Fountain, applicant.
- *e. **Z96-67** The southeast corner of Pecos Road and South Crismon Road. Rezone from R1-43 and R1-43-AF to M-2 and M-2-AF (320± acres). This case involves rezoning to accommodate future industrial development. Newell Barney, owner; Standage & Truitt Engineering, Ltd., applicant.
- f. **Z96-68** The 1300 through 1500 blocks of Superstition Springs Boulevard. Rezone from M-1-AF-PAD, C-2 and C-2-BIZ to M-1-PAD (24± acres). This case involves the expansion of the Superstition Springs Auto Mall. The Westcor Company II, L.P., owner; Westcor Partners, applicant.
- *g. **Z96-69** The 3900 block of East Brown Road (north side). Rezone from AG to R1-35 (4± acres). This case involves the development of a single residence lot. Billy G. Johnson, owner/applicant.

- *h. **Z96-70** The southwest corner of Baseline Road and Hawes Road. Rezone from R1-7 DMP to R-2-PAD-DMP. This case involves the development of a condominium project within Sunland Village East. Ross Farnsworth, owner, Craig Ahlstrom, applicant.
- *i. **Z96-71** 6461 East Southern Avenue. Site Plan Review (1± acre). This case involves the development of a Mi Amigo's restaurant. Noel Cordland, owner; Archicon, Inc., applicant.
- *j. **Z96-73** The 200 block of North Extension Road - west side. Rezone from C-2 to R-2 (2.5± acres). This case involves the development of an assisted living facility. Bob Spears, owner; Craig Angell, applicant.
- *k. **Z96-74** The northeast corner of South Dobson Road and West Isabella Avenue. Site Plan Review (2.8 acres). This case involves the development of a two-story hotel. Michael D. Gilmore, Esq., owner; Peter Kerwick, applicant.
- *l. **Z96-75** The southwest corner of Springwood Boulevard and Lakeview Circle. Rezone from R1-6-DMP to O-S-DMP (1± acre). This case involves the development of a model home sales office for a new master planned community. Ross Farnsworth, owner; Craig Ahlstrom, applicant.
- *m. **Z96-76** The 5800 and 5900 blocks of East McKellips Road (behind frontage). Rezone from C-2 to R-2-PAD (5.61 acres). This case involves the expansion of a condominium subdivision. Hughes Development, owner; Standage and Truitt Engineering, Ltd., applicant.
- *n. **Z96-77** The 3200 and 3300 blocks of East McDowell Road (north side). Rezone from R1-35 to AG (18+ acres). This case involves the development of a wholesale plant nursery. Roosevelt Water Conservation District, owner; Desierto Verde, Inc. applicant.
- *o. **Z96-78** The northeast corner of West Holmes Avenue and South Vineyard. Rezone from C-2 to C-2-BIZ (2.5± acres). This case involves the development of four-story hotels. Tempe/Mesa Land Investors, Ltd. Partnership, owner; John Rooze, applicant.
- *p. **Z96-79** The 3900 block of North Higley Road (east side). Rezone from R1-90 to M-1 (3± acres). This case involves the development of a cabinet shop. Burdette Cabinet Co., Inc., owner; Dieterich Architectural Group, Inc., applicant.
- *q. **Z96-80** 6353 East Southern Avenue. Site Plan Review (1± acres). This case involves the development of a restaurant pad building. Dennis Cavanaugh, owner; Dean Jensen Construction Company, applicant.
- *r. **Z96-81** The 7400 block of East Saddleback Street - Parcel 14 of "Las Sendas" (14.54 acres). Rezone from R1-90-DUP (Conceptual R1-7-PAD) to R1-9-PAD-DMP. This case involves the development of a 34 lot single residence subdivision. C.R.M. Holdings, L.L.C., owner; Sonoran Land Group, applicant.

- *s. **Z96-82** The 6700 block of East Southern Avenue (south side). Site Plan Review (2± acres). This case involves the development of two retail buildings. Paul Holland, owner; Richard Butler; applicant.
- *t. **Z96-83** 3818 through 3856 East Baseline Road. Rezone from O-S to O-S-PAD (4.6 acres). This case involves the development of a Medical and Office Complex. Dr. Jeff Mix, owner; Daniel Brock applicant.
- *u. **Z96-84** The 2200 block of North Val Vista Drive (west side). Rezone from R1-35 to R1-35-PAD (19.8 acres). This case involves the development of a single residence subdivision. Avalon Grove LLC, owner; Todd Tucker, applicant.
- *v. **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.
- *w. Code Amendment amending Sections 11-6-2 and 11-6-4, regarding permitted uses in the C-2 district by deleting the requirement of a Special Use Permit for mini-storage facilities, and by requiring a Special Use Permit for limited outdoor storage of rental vehicles in conjunction with a car rental satellite facility.
- *x. Code Amendment amending Sections 11-18-5 and 11-17-8, regarding administration and procedures by deleting the option to appeal a decision of the Board of Adjustment to the City council, and by bringing the Planning and Zoning Board notification procedures into conformance with State Statutes.

8. Consider the following ordinances:

- *a. Prohibiting parking on school days, 7:00 a.m. to 4:00 p.m., on the west side of Hall from a point 385 feet south of Jarvis Avenue to a point 510 feet south of Jarvis Avenue, as recommended by the Traffic Safety Committee - Ordinance No. 3240.
- *b. Amending Section 9-1-4 of the Mesa City Code pertaining to terminology for calculation of engineering inspection fees - Ordinance No. 3241.

9. Consider the following resolutions:

- *a. Authorizing the City Manager to execute an agreement on behalf of the City of Mesa with the Maricopa County Department of Transportation concerning Baseline and Power Road traffic signal system improvements - Resolution No. 6951.
- *b. Authorizing the City Manager to enter into an Intergovernmental Agreement between the City of Mesa and Salt River Project for implementation of joint projects - Resolution No. 6952.

*9.1. Authorize acquisition of approximately 40 acres of land near Greenfield and Virginia Streets for future solid waste handling facilities.

10. Consider the following appeal from a Board of Adjustment decision:

- a. **BA96-33** 1007 E. Lehi Road. Requesting a variance to create a lot with less than the minimum street frontage required in an R1-43 district.

Board of Adjustment Decision: Denied (Vote 4-3).

In response to a request from Vice Mayor Gilbert, City Attorney Neal Beets provided a brief overview of the Council's responsibilities and authority relative to this agenda item.

Ella Weckerly, 940 East Lockwood, spoke in opposition to the granting of the license and expressed concerns relative to decreased property values and traffic safety hazards.

Byron McKinnon, 951 East Lockwood, advised that his residence is adjacent to the property currently under discussion, and stressed the importance of maintaining a rural lifestyle in the Lehi area. Mr. McKinnon requested that the Council deny the applicant's request for a variance.

Brent Gardner, 933 East Lehi Road, informed the Council that the Board of Adjustment determined that no special circumstances unique to this property exist and that the hardships claimed by the applicant are self inflicted. Mr. Gardner noted that he supports the decision of the Board of Adjustment and urged the Council to uphold the Board's determination.

Kristine Gardner, 933 East Lehi Road, stressed the importance of maintaining Lehi's rural atmosphere and expressed the opinion that the applicant has failed to demonstrate that special circumstances exist in this case to warrant a variance.

Don Davis, 1030 East Lockwood, stated the opinion that the property under discussion is land-locked and will not provide access for emergency vehicles. Mr. Davis requested that the Council deny the applicant's request for a variance.

Brian Hill, 950 East Lockwood, indicated his intent to go on record in opposition to the granting of a variance for the property under discussion.

John Kelly, an attorney representing the applicant, requested that the Council reverse the decision of the Board of Adjustment and noted that an adjacent neighbor supports the granting of a variance.

Mr. Kelly expressed the opinion that special circumstances exist to warrant a Board decision reversal and stated that the addition of one residence will not adversely affect the privacy of the neighbors or the rural atmosphere of the Lehi area. Mr. Kelly discussed efforts initiated by the applicant to improve the appearance of the property and stated the opinion that the applicant's request will increase rather than decrease property values. Mr. Kelly

informed the Council that emergency vehicles will have adequate access to the property and requested that the applicant's request be approved.

In response to a request from Mayor Brown, City Attorney Neal Beets clarified the voting process and noted that a motion by the Council to affirm the decision of the Board of Adjustment would have the effect of denying the applicant's request for a variance.

Discussion ensued relative to the applicant's indication that special circumstances exist, 'flag' lots, the fact that the applicant does not own sufficient frontage to legally designate a second lot and previous variances granted to property owners in the Lehi area.

Councilmember Stapley called for the motion.

It was moved by Councilmember Jensen, seconded by Councilmember Giles that the Council affirm the decision of the Board of Adjustment.

Carried unanimously.

*11. Consider recommending that the transaction fee and late fee be eliminated for various recreation programs as recommended by the Parks and Recreation Board.

12. Consider the following subdivision plats:

- *a. "MAP OF DEDICATION FOR THE TRADITION" - The 4400 block of East Southern Avenue (north side). Magellan Arizona Traditions Limited Partnership, developer; JM & A Consulting Civil Engineering, engineer.
- *b. "THE CROSSROAD ESTATES" - The 3900 block of East McLellan Road (north side) 19 R1-35-PAD single residence lots (20.37 acres). 40th Street & McLellan, L.L.C., Charles R. Wermuth & Carol Wermuth, Charles O. Robbins & Susan L. Robbins, Gregory W. Nielsen & Brenda T. Nielsen, and Roger B. Understiller & Dorie Understiller, developers; Digitech, Inc., engineer.

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

Kris Harracksingh, 1711 East 1st Street, distributed a compilation of various documents to the Council and stated opinions relative to City government ethics and reported misinterpretations.

Katherine Gallant, 1620 West University, commended Councilmembers Payne and Kavanaugh on their recent efforts relative to Proposition 200 and discussed the status of an initiative to repeal the Proposition and replace it with a business friendly citizens initiative. Ms. Gallant requested that the Council vote to repeal Proposition 200 and implement the citizens initiative.

Mayor Brown thanked the speakers for their input.

14. Adjournment.

It was moved by Councilmember Stapley, seconded by Councilmember Jensen, that the Regular Council Meeting adjourn at 7:06 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 7th day of October, 1996. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 25th day of October 1996

BARBARA JONES, CITY CLERK