

# COUNCIL MINUTES

May 1, 2000

The City Council of the City of Mesa met in a Study Session in the lower level meeting room of the Council Chambers, 57 East 1st Street, on May 1, 2000 at 5:00 p.m.

## COUNCIL PRESENT

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

## COUNCIL ABSENT

None

## STAFF PRESENT

Mike Hutchinson  
Kevin Adam  
Don Ayers  
Wayne Balmer  
Neal Beets  
Mike Brennan  
Denise Bleyle  
Dennis Compton  
Mark Coon  
Linda Crocker  
Bob DeLeon  
Jack Friedline  
Pat Granillo  
Joe Holmwood  
Barbara Jones  
Karen Kille  
Ron Krosting  
Dorinda Larsen  
Rich Lorig  
Jeff Martin  
Frank Mizner

## STAFF PRESENT (CONT.)

Keith Nath  
Joe Padilla  
Ellen Pence  
David Plumb  
Bryan Raines  
Andrea Rasizer  
Tom Remes  
Becky Richardson  
Regan Robbins  
Sharon Seekins  
Jenny Sheppard  
Jan Strauss  
Dan Stubbs  
Doug Tessorf

## OTHERS PRESENT

Barrett Marson  
Betty Beard  
Ralph Pew  
Walter Switzer  
Red Thomas  
Mike Whalen

1. Review items on the agenda for the May 1 regular Council meeting.

All of the items on the agenda were reviewed among Council and staff with no formal action taken. There was specific discussion relative to the following items:

3. Conduct a public hearing for the following General Plan Amendments:
  - a. GP99-1 North of the northeast corner of Greenfield Road and Brown Road. Change from Neighborhood Commercial (NC) to Medium High Density Residential (5 to 15 du/ac) 8+ acres. NEC Greenfield and Brown Roads, Ltd., owner; Mark Reeb, applicant.

Planning Director Frank Mizner informed the Council that at the request of the applicant, this item is continued until June 5, 2000. Mr. Mizner added that this continuation also applies to agenda nos. 7a and 10a.

5. Consider the following liquor license applications:

- a. MARTIN W. BROWN, AGENT

New Beer and Wine Store License for Chevron Food Mart, 2733 N. Recker Road. This is a new building, which is currently under construction, no previous liquor licenses at this location.

Mayor Brown indicated that he had a potential conflict of interest with the matter now under discussion which he wanted reported 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.

6. Consider the following contracts:

- r. Warner Road Lift Station. City of Mesa Project No. 00-90-2.

This project is the second of a two-phase project to construct a sewer lift station and force main to provide sewer service to the area shown in Exhibit "A".

In response to a question from Councilmember Jaffa, City Attorney Neal Beets explained that because of a potential conflict of interest in connection with the matter now under discussion, Councilmember Jaffa should refrain from voting upon or otherwise participating in any manner in connection with same.

- 6.0 Consider the following recommendation from the Fire Committee:

- \*a Recommend amendments to the Fire Code relating to automatic sprinklers be approved.

In response to questions from Councilmember Hawker, Assistant Fire Chief Bob DeLeon and Fire Marshal Dan Stubbs clarified the recommendations of the Fire Department relative to the agenda

item with regard to the fact that an automatic sprinkler system shall be installed throughout all new commercial dwellings; that single-family homes and duplexes are exempted from mandatory automatic fire sprinkler installation; and that contractors, at the request of homebuyers, shall provide for the installation of fire sprinklers by January 1, 2001.

Councilmember Jaffa expressed disappointment that currently none of the residential building contractors within the City of Mesa have expressed a desire to include an automatic fire sprinkler system in a model home for demonstration purposes.

6.1 Introduction of the following ordinances and setting May 15 as the date of public hearing on these ordinances:

- \*b Relating to massage therapy; amending Section 5-12-6 of the Mesa City Code; amending Title 5, Chapter 12 of the Mesa City Code by adding a new Section 5-12-16; and providing for applicability and an effective date.

In response to a question from Councilmember Pomeroy, Mr. Beets clarified that massage therapy trainee licenses issued under Ordinance 3725 shall remain in effect for the current time but will expire six months after issuance, and also that no new, initial trainee licenses will be issued after July 1, 2000.

- \*e Relating to the Municipal Court and fees; amending Section 1-12-3 of the Mesa City Code, and amending Title 1 of the Mesa City Code, by adding a new Section 1-12-7.

Mayor Brown stated that this item would be removed from the consent agenda.

7. Consider the following resolutions:

- a. GP99-1 Adopting an amendment to the General Plan that would change an 8+ acre parcel from Neighborhood Commercial (NC) to Medium High Density Residential (MHDR).

Councilmember Jaffa indicated that he had a potential conflict of interest with the matter now under discussion which he wanted reported 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.

- d. Authorizing the City Manager to execute an Intergovernmental Agreement with the Arizona Department of Transportation for certain utility work and roadway enhancements to be included within the construction of the Red Mountain Freeway from Country Club Drive to Gilbert Road.

Councilmember Davidson indicated that he had a potential conflict of interest with the matter now under discussion which he wanted reported 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.

10. Consider the following cases from the Planning and Zoning Board and possible adoption of the corresponding ordinances:
  - d. Z00-19 The northwest corner of University Drive and Alma School Road. Council Use Permit. This case involves the development of a pawnshop within the tenant space at Westwood Village Plaza. Pawn X-Change, LLC, owner; Bill Todd, applicant.

Councilmember Jaffa indicated that he had a potential conflict of interest with the matter now under discussion which he wanted reported 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.

- \*e Z00-22 The 8000-9100 blocks of East McKellips (both sides – between Hermosa Vista Drive and McLellan Roads). Rezone from R1-25-DMP (conceptual residential, office and commercial) to R1-35 (760+ acres). This case involves the modification to conceptual approval of residential densities and land uses. State of Arizona, owner; represented by: Arizona State Land Department; City of Mesa, applicant.

Mr. Mizner informed the Council that at the request of the applicant, this item is continued until July 6, 2000.

2. Hear a legislative update.

This item was deleted from the agenda.

3. Discuss and consider a resolution expressing opposition to efforts by Congress to preempt the collection of sales taxes for purchases on the Internet.

Assistant to the City Manager Jeff Martin presented a brief overview of the above agenda item. Mr. Martin stated that the City obtained a copy of the resolution via the National League of Cities in an effort to gain national support to oppose the efforts of Congress to preempt the collection of sales taxes for purchases on the Internet.

Councilmember Kavanaugh, a member of the Steering Committee for the National League of Cities, indicated that the League is asking its member committees to provide support on this issue and urged the Council to approve the resolution.

It was moved by Councilmember Kavanaugh, seconded by Councilmember Jaffa, that the resolution expressing opposition to efforts by Congress to preempt the collection of sales taxes for purchases on the Internet be approved.

Carried unanimously.

4. Acknowledge receipt of minutes of various boards and committees.

- a. Fire Committee meeting held April 27, 2000.

It was moved by Vice Mayor Giles, seconded by Councilmember Kavanaugh, that the minutes of the above-listed board be acknowledged.

Carried unanimously.

5. Hear reports on meetings and/or conferences attended.

There were no reports on meetings and/or conferences attended at this time.

6. Scheduling of meetings and general information.

City Manager Mike Hutchinson advised that the meeting schedule is as follows:

Thursday, May 4, 2000, 9:00 a.m. - Utilities Committee Meeting is cancelled

Tuesday, May 9, 2000, 8:00 a.m. - Budget Review Meeting

Wednesday, May 10, 2000, 8:00 a.m. - Budget Review Meeting

Thursday, May 11, 2000, 8:00 a.m. - Study Session (followed by Budget Review Meeting)

Friday, May 12, 2000, 8:00 a.m. - Budget Review Meeting

Monday, May 15, 2000, 5:45 p.m. - City Council Meeting

Mr. Hutchinson also reviewed a schedule of the proposed City Council Meetings for the months of June, July, August and September. (See attachment)

7. Prescheduled public opinion appearances. (Prescheduled appearances will begin after the preceding scheduled agenda items, which should be about 5:30 p.m. There will be a maximum of three speakers for three minutes per speaker)

a. Hear from Red Thomas regarding the carrying of firearms in public buildings.

Red Thomas, a concerned citizen, addressed the Council relative to the fact that the City of Mesa should adopt a standardized set of procedures to be utilized by security personnel when a citizen possessing a handgun desires to surrender it upon entering a public building.

Mayor Brown expressed appreciation to Mr. Thomas for his input.

8. Adjournment.

Without objection, the Study Session adjourned at 5:30 p.m.

\_\_\_\_\_  
WAYNE BROWN, MAYOR

ATTEST:

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BARBARA JONES, CITY CLERK

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the Study Session of the City Council of Mesa, Arizona, held on the 1<sup>st</sup> day of May, 2000. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this \_\_\_\_ day of \_\_\_\_\_ 2000

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BARBARA JONES, CITY CLERK