

COUNCIL MINUTES

August 3, 1998

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 August 3, 1998 at 6:06 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

David Klein

OFFICERS PRESENT

C.K. Luster
Neal Beets
Barbara Jones

Invocation by Pastor Brad Nicar, Evangel Assembly of God.

Pledge of Allegiance led by Jeffrey Brown.

1. Approval of minutes of previous meetings as written.

It was moved by Vice Mayor Giles, seconded by Councilmember Kavanaugh, that the minutes of June 26, 1998 and July 6, 9, 16, and 20, 1998 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 Vice Mayor Giles, seconded by Councilmember Hawker, that the consent agenda items be approved.

Carried unanimously.

3. Conduct a public hearing for the following proposed annexation.

- a. **A98-7** East of Ellsworth Road and northwest of the Signal Butte floodway (20.3± acres).

Mayor Brown announced that this is the time and place for a public hearing regarding proposed annexation A98-7. There being no speakers present wishing to address this issue, Mayor Brown declared the public hearing closed.

3. Consider the following liquor license applications.

*a. JEAN M. KAMINSKI, PARISH ADMINISTRATOR

Special Event License application of Jean M. Kaminski, Parish Administrator, for St. Bridget Catholic Church, a two-day religious event to be held Friday, September 25, 1998, and Saturday, September 26, 1998, from 6:00 p.m. to 10:00 p.m. at 2213 North Lindsay Road, St. Bridget Catholic Church.

*b. MARK S. GRANT, EXECUTIVE DIRECTOR

Special Event License application of Mark S. Grant, Executive Director, for Mesa Association of Sports for the Disabled, a one-day charitable event to be held Saturday, October 3, 1998, from 5:30 p.m. to 11:30 p.m. at 4636 Fighter Aces Drive, Falcon Field Airport.

*c. JOHN A. WILLIAMS, AGENT

Person Transfer Bar License for Red Mountain Ranch Country Club, 6425 East Teton Road. This transfer is from John A. Williams, Agent, Foothills Holding Company, Inc., to John A. Williams, Agent, Cobblestone Enterprises of Arizona, Inc.

*d. JOSEPH M. SERENO, AGENT

New Beer and Wine Store License for Chevron, 1155 South Higley Road. This is a new business; no previous liquor licenses at this location.

*e. CARLOS ANTONIO GUERRA, AGENT

New Beer and Wine Store License for Giant #915, 6807 East Baseline Road. The license previously held at this location by William Woodroffe, Agent, Kaibab Industries, will revert back to the State.

*f. CARLOS ANTONIO GUERRA, AGENT

New Beer and Wine Store License for Giant #918, 2743 South Alma School Road. The license previously held at this location by William Woodroffe, Agent, Kaibab Industries, will revert back to the State.

*g. CHANCE B. HIBBARD, AGENT

New Restaurant License for Bleachers Pizza Co., 2740 South Alma School Road, #13. The license previously held at this location by Mark Brian Urban, Agent, Urban Eateries, LLC, will revert back to the State.

5. Consider the following contracts.

*a. One-year renewal of the annual supply contract for Spirit-brand telephone equipment as requested by the Management Services Administration.

The Purchasing Division recommends exercising the first of two 1-year renewal options with the original low overall bid meeting specification by Scottsdale Communications MRC for annual expenditures estimated at \$24,000.00.

*b. Modular panels, four chairs, one table, and accessories as requested by the Library.

The Purchasing Division recommends authorizing purchase from the State of Arizona contract with Goodman's Inc. at \$27,390.57 including materials, design services, delivery, installation, and applicable sales tax.

c. Dreamland Villa water line relocation.

This project involves replacing existing water lines with new water lines in two areas bounded by University to Colby Street, Higley to 54th Street, and 56th Street to 58th Street.

Recommend award to low bidder, Kleven Construction, Inc., in the amount of \$830,383.70.

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 the recommendation of staff be approved.

Upon a 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.

*d. 36-inch reclaimed water line Along the Red Mountain Freeway - McKellips Road to Country Club Drive.

This project involves the installation of a 36-inch reclaimed water line along the Red Mountain Freeway.

Recommend award to low bidder, C.S. & W. Contractors, Inc., in the amount of \$589,286.00.

*e. Pasadena pump station improvements.

This project involves the installation of an emergency generator and pump and electrical upgrades at the City's Pasadena Pump Station.

Recommend award to low bidder, Currier Construction, Inc., in the amount of \$1,497,850.00.

f. Stapley Junior High School pool.

This project involves the construction of a new pool facility at an existing junior high school.

Recommend award to second low bidder, Low Mountain Construction, Inc., in the amount of \$2,329,347.00.

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

Carried unanimously.

*g. Coated steel gas pipe for various construction projects as requested by the Utility Construction Division.

The Purchasing Division recommends accepting the low bid by Kelly Pipe at \$141,450.00. Gas pipe 4" in diameter and larger is exempt from sales tax.

6. Introduction of the following ordinances and setting August 31, 1998 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. Modifying rate schedules for fire hydrant meters as recommended by the Finance Committee:
 - 1. Water utility services.
 - 2. Utility related services
- *b. Prohibiting parking on the north side of Dana Avenue from Country Club Drive to a point 60 feet west of Country Club Drive and on the south side of Dana Avenue from Country Club Drive to a point 75 feet west of Country Club Drive; establishing a 50 mph speed limit on Sossaman Road from Guadalupe Road to Elliot Road; and establishing a speed limit of 35 mph on Hawes Road from Guadalupe Road to Elliot Road, as recommended by the Traffic Safety Committee.
- *c. **Z98-1** The 1800 block of North Higley Road - east side. Rezone from M-1-DMP to R-3-DMP (13± acres). This case involves development of a 200-unit apartment complex.
- *d. **Z98-50** The 5200-5400 blocks of East McKellips Road - south side. Rezone from M-1-DMP to R-2-PAD-DMP (11.76 acres). This case involves development of 115± townhouses.
- *e. **Z98-42** The southeast corner of Power Road and Kiowa Avenue. Site plan review (7± acres). This case involves the development of a strip retail center.
- *f. **Z98-49** The northeast corner of University and Sossaman. Rezone from R1-43 to R1-7-PAD (48± acres). This case involves the development of a residential subdivision.
- *g. **Z98-51** The southeast corner of Crismon Road and Southern Avenue. Rezone from R1-43 to C-2 (14± acres). This case involves development of a grocery shopping center.
- h. **Z98-52** The southeast corner of Signal Butte and Adobe. Rezone from R1-43 to R1-9-PAD (53.8 acres). This case involves development of a single-residence subdivision with approximately 153 lots.

Councilmember Jaffa 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 Pomeroy, seconded by Councilmember Kavanaugh, that an ordinance relating to Zoning Case Z98-52 be introduced and that August 31, 1998 be set as the date for the public hearing on this ordinance.

Upon a tabulation of votes, it showed:

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

Mayor Brown declared the motion carried unanimously by those voting.

- *i. **Z98-54** The southwest corner of Country Club and Juanita. Site plan modification (10.25 acres). This case involves development of a retail pad building, a drive-through restaurant, a gas station, and an industrial/office building.
- *j. **Z98-55** The southwest corner of University Drive and Merrill Road. Establish R1-43 and R1-7-PAD (25± acres). This case establishes City zoning on recently annexed land.
- *k. **Z98-56** 3129 East McKellips Road - south side. Rezone from R1-43 to C-2 (3± acres). This case involves the development of a restaurant.
- *l. **Z98-57** Part of the 3800 block of East McLellan - south side. Rezone from AG to R1-35-PAD (5± acres). This case involves the development of a 4-lot residential subdivision.
- *m. **Z98-58** Part of the 5900 block of East Southern Avenue - south side. Site plan review (2± acres). This case involves the development of a retail center.
- *n. **Z98-60** Part of the 8700 block of East Baseline Road - south side. Rezone from AG-DMP to R-2-PAD (40± acres). This case involves the development of a 250± lot residential subdivision.
- *o. **Z98-61** Part of the 3700-3800 blocks of East Huber Street - north side. Rezone from AG to R1-35 (13± acres). This case involves the development of a 3-lot residential subdivision.
- *p. **Z98-62** The 2800 through 4400 blocks of North Power Road (east side) east of the CAP Canal, and the 7000 through 7500 blocks of East McDowell Road (both sides). Consider the modification of the Development Master Plan for "Las Sendas" (1,838.3 acres).
- *q. **Z98-63** Parcel 4 at Las Sendas. Rezone from R1-90-DMP to R1-7-PAD-DMP (37 acres). This case involves the development of a 92-lot residential subdivision.
- *r. **Z98-64** Parcel 6 at Las Sendas. Rezone from R1-90-DMP to R-2-PAD-DMP (11.2 acres). This case involves the future development of 90-unit townhome subdivision.
- *s. **Z98-65** Parcel 9 at Las Sendas. Rezone from R1-90-DMP to R1-7-PAD-DMP (18.5 acres). This case involves the development of a 55-lot residential subdivision.
- *t. **Z98-66** Parcel 18 at Las Sendas. Rezone from R1-90-DMP to R1-7-PAD-DMP (11 acres). This case involves the future development of a 35-lot residential subdivision.
- *u. **Z98-67** Parcel 19 at Las Sendas. Rezone from R1-90-DMP to R1-15-PAD-DMP (119.2 acres). This case involves the development of a 143-lot residential subdivision.

- *v. **Z98-68** Parcel 29 at Las Sendas. Rezone from R1-90-PAD-DMP to R1-9-PAD-DMP (46.7 acres). This case involves the development of a 95-lot residential subdivision.
- *w. **Z98-69** Parcels 30/32 at Las Sendas. Rezone from R1-90-DMP to R1-9-PAD-DMP (46.6 acres). This case involves the development of a 110-lot residential subdivision.
- *x. **Z98-70** Parcel 41 at Las Sendas. Rezone from R1-90-DMP to R-2-PAD-DMP (13± acres). This case involves the future development of a 105-unit townhome subdivision.
- *y. **Z98-71** Parcels 45, 49 & 50 at Las Sendas. Rezone from R1-90-DMP to R1-7-PAD-DMP (59.16 acres). This case involves the development of a 197-lot residential subdivision.
- *z. **Z98-72** Parcels 47 & 48 at Las Sendas. Rezone from R1-90-DMP to R-2-PAD-DMP (20± acres). This case involves the future development of a 160-unit townhome subdivision.

Councilmember Jaffa expressed appreciation for the attendance of citizens relative to the Las Sendas zoning cases. Councilmember Jaffa related considerable reservations regarding the Development Master Plan (DMP) proposals and said that it is his understanding that the DMP has been presented for modification at least once previously. Councilmember Jaffa noted the extensive acreage involved in the request for rezoning from R1-90.

Councilmember Kavanaugh stated concern that the proposals relative to Las Sendas do not reflect the original intent and character of the DMP.

7. Consider the following resolutions.

- *a. Authorizing the use of eminent domain to acquire land and rights needed for the improvement of the Guadalupe Road and Alma School Road intersection - Resolution No. 7239.

The use of eminent domain is necessary to meet the project schedule.
- *b. Authorizing the City Manager to execute an Intergovernmental Agreement between the City of Mesa and the Maricopa County Department of Transportation for improvements to Recker Road from Adobe Road to Evergreen Street - Resolution No. 7240.
- *c. Implementing measures in the MAG 1998 Serious Area Particulate Plan for PM-10 for the Maricopa County Area - Resolution No. 7241.
- *d. Designating a future alignment for Pecos Road from Power Road to Ellsworth Road - Resolution No. 7242.

Councilmember Jaffa commended staff for their efforts relative to Williams Gateway Airport and the future alignment for Pecos Road from Power Road to Ellsworth Road. Councilmember Jaffa encouraged the promotion of optimum development in southeast Mesa.

- *e. Authorizing the City Manager to enter into an Intergovernmental Agreement with the State Department of Commerce for federal funds for weatherization services for 22 low-income households - Resolution No. 7243.
- f. Declaring that at this time the City will not sell electric generation service in the service territory of another electricity supplier - Resolution No. 7245.

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 Vice Mayor Giles, seconded by Councilmember Kavanaugh, that the recommendation of staff be approved.

Upon a 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.

- *8. Consider a resolution and an ordinance transferring Mission Cable Company cable operator's license to Eagle West L.L.C. and granting a nonexclusive license to Eagle West L.L.C. to construct, install, and operate lines, wires, coaxial cable, and appurtenances for originating, receiving, distributing, and supplying, radio, television, and other cable communication services along, across, and upon the public streets, ways, alleys, and places within a portion of the City of Mesa; and providing penalties for default in any terms or condition of this license - Resolution No. 7244, Ordinance No. 3504.
- *9. Consider approving an agreement with the Greater Phoenix Economic Council (GPEC) in the amount of \$159,443 to provide development services to the City of Mesa for the 1998/1999 fiscal year.
10. Consider the following case from the Planning and Zoning Board and possible adoption of the corresponding ordinance.
- *a. **Z98-34** The northeast corner of University and Stapley Drives. Rezone from PF, R1-6, R-2, and C-1 to C-2 (10± acres). This case involves development of a grocery store retail center. W.A.M.P.A. and SRP, owners; The Barclay Group/Ralph Pew, applicants. **CONTINUED FROM THE JUNE 15 AND JULY 20, 1998 CITY COUNCIL MEETINGS** - Ordinance No. 3505.
- P&Z Recommendation: Approval with conditions (Vote 6-0).
1. Compliance with the basic development as shown on the site plan and elevations submitted, except as noted below;
 2. Compliance with all requirements of the Public Works Department (Engineering and Traffic Engineering, etc.);
 3. Dedicate 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;
 4. All street improvements and perimeter landscaping to be installed in the first phase of construction; and
 5. Compliance with all requirements of the Design Review Board.

11. Consider the following subdivision plats.

- *a. "PARKWOOD RANCH PARCEL 8" - The 800 block of South Cheshire (east side); 88 R1-7-DMP single-residence lots (24.22 acres). Parkwood Ranch, L.L.C., developer; DEI Professional Services, engineer.
- *b. "PARKWOOD RANCH PARCEL 9" - The 600 block of South Cheshire (east side); 97 R1-7-DMP single-residence lots (25.57 acres). Parkwood Ranch, L.L.C., developer; DEI Professional Services, engineer.

12. Adjournment.

It was moved by Vice Mayor Giles, seconded by Councilmember Kavanaugh, that the Regular Council Meeting adjourn at 6:28 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 3rd day of August 1998. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this ____ day of _____ 1998

BARBARA JONES, CITY CLERK