

# COUNCIL MINUTES

January 21, 1997

The City Council of the City of Mesa met in a Regular Council Meeting in the Council Chambers, 57 East 1st Street, on January 21, 1997, at 5:45 p.m.

## COUNCIL PRESENT

Mayor Wayne Brown  
Pat Gilbert  
John Giles  
Dennis Kavanaugh  
Joan Payne  
Wayne Pomeroy  
Jim Stapley

## COUNCIL ABSENT

None  
  
POLICE OFFICER  
PRESENT  
  
Scott Martin

## OFFICERS PRESENT

C.K. Luster  
Neal Beets

The Invocation was given by Reverend Joe Myers, Trinity Baptist Church.

The Pledge of Allegiance was led by Stephen Kingsley, Pack No. 766.

Presentation from Lucia Madrid, KPNX-TV Channel 12's Project Kid Safe.

Mayor Brown introduced Lucia Madrid, representing KPNX-TV Channel 12, and Wanda Kay, Chairman of the Parks and Recreation Board.

Ms. Madrid presented Mayor Brown and Ms. Kay with a check in the amount of \$10,000 to purchase new playground equipment at Evergreen Park. Ms. Madrid explained that during 1996, high levels of lead was discovered in the paint used on playground equipment in City parks throughout the Valley. Ms. Madrid stated that Project Kid Safe was developed through the efforts of Channel 12 and various corporations to establish a fund that would assist in replacing the equipment.

Mayor Brown and Ms. Kay expressed appreciation to Ms. Madrid and Channel 12 for their efforts to provide safe equipment for the children of Mesa.

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

It was moved by Councilmember Stapley, seconded by Councilmember Pomeroy, that the minutes of December 13, 1996, and January 3, 6, 9, and 10, 1997, 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 Gilbert, seconded by Councilmember Stapley, that the consent agenda items be approved.

Carried unanimously.

3. Consider the following liquor license applications.

\*a. DOLORES CAMPBELL, EXECUTIVE DIRECTOR

Special Event License application of Dolores Campbell, Executive Director, for Friends of the Orphans, a one-day charitable event to be held Monday, February 24, 1997, from 11:00 a.m. to 9:00 p.m. at 7555 East Eagle Crest Drive, Las Sendas Golf Club.

\*b. FRANK J. SACO, INDIVIDUAL

New Beer and Wine Store License for Star Light Market, 1350 West University Drive. The license previously held at this location by Phil Joseph Davidson, Agent, Country Market, will revert back to the State.

\*c. ANGELO J. BARRO, AGENT

New Restaurant License for Barro's Pizza, 1155 South Power Road, #116. The license previously held at this location by Terrence F. Pierce, Agent, Jake's Pizza, will revert back to the State.

4. Consider the following contracts.

\*a. One-year renewal of the annual supply contract for repair clamps in warehouse inventory to be used by the Utility Construction Division to repair water and gas pipes. The Purchasing Division recommends exercising the second and final one-year renewal option with the original low bidder, Arizona Water Works Supply, at \$18,034.12 plus 7.45% sales tax of \$1,343.54 for a total award of \$19,377.66 based on estimated requirements.

\*b. One new turf sweeper and mower as requested by the Parks Maintenance Division.

The Purchasing Division recommends accepting the bids meeting specification as follows:

Item 1 to Arizona Machinery Company at \$28,485.00 plus 7.25% sales tax of \$2,065.16 for a total of \$30,550.16; and

Item 2 to Horizon Turf Inc. at \$16,444.00 plus 7.05% sales tax of \$1,159.30 for a total of \$17,603.30. The combined award is then \$48,153.46.

- \*c. One replacement engineering digital printing system as requested by the Engineering Division.

The Purchasing Division recommends accepting the low bid for outright purchase (Alternate 2) by KIP/Shacoh USA at \$94,696.07 including applicable taxes.

- \*d. Identix Live-Scan fingerprint system for the Police Department. This equipment will expand the capabilities of the automated fingerprint identification system currently in use by allowing direct scanning of fingerprints into the automated system.

The Purchasing Division recommends authorizing purchase from the State of Arizona contract with North American Morpho Systems, Inc. for equipment and training totaling \$243,828.25, including applicable use tax.

- \*e. Traffic signal poles and arms for a special project to construct a new traffic signal at the intersection of Pepper Street and Center and modify the intersection at 1st Street and Center as requested by the Transportation Division.

The Purchasing Division recommends awarding a partial order to the low bidder as follows:

Items 1, 3, 4, 5, 6 and 8 from Ameron Pole Products at \$13,996.00 plus 7.05% sales tax of \$986.71 for a total award of \$14,982.71.

- f. McKellips Road residential wall improvements, Country Club Drive to Gilbert Road.

This project will install a new 8'-high masonry wall along the residential areas of McKellips Road between North Country Club Drive and North Gilbert Road and along North Gilbert Road between East Jensen Street and East Lockwood Street. The wall will provide a buffer between the roadway and adjoining residential areas during construction of the McKellips Road widening project and roadway traffic after the widening has been completed.

Recommend award to low bidder, The Achen-Gardner Company, Inc., in the amount of \$1,716,824.18.

Public Works Manager Harry Kent explained that the McKellips Road wall improvement is the second phase of the McKellips Road widening project and represents a new type of improvement project for the City of Mesa. Mr. Kent introduced Senior Civil Engineer Ross Renner.

Mr. Renner presented a brief synopsis of the McKellips Road wall improvement project, stating that the wall is proposed for installation along existing residential properties on McKellips Road from Country Club Drive to Gilbert Road and on Gilbert Road from Jensen to Lockwood Streets.

Mr. Renner presented sketches of the proposed 8-foot wall; future curb, gutter, and sidewalk; landscape nodes; and planters. Mr. Renner explained that the wall will be installed on existing right-of-way with the exception of a portion of the landscape nodes.

In response to questions from Vice Mayor Gilbert and Councilmember Kavanaugh, Mr. Renner advised that the landscape nodes have been designed to conceal utility boxes and that utility lines will be placed underground. Mr. Renner said that construction of the wall is anticipated to begin during February 1997 and will take approximately 120 days to complete.

Mayor Brown commended Mr. Renner and staff for their creativity and development of the McKellips Road residential wall.

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

Carried unanimously.

- \*g. 1995/1996 street overlay and reconstruction: East McKellips Road (North Lindsay Road to North Greenfield Road); East McKellips Road (North Higley Road to North Power Road).

This project will overlay and widen portions of the pavement on East McKellips Road between North Lindsay Road and North Greenfield Road and between North Higley Road and North Power Road. The work will rehabilitate existing pavement and provide two lanes in each direction of travel.

Recommend award to low bidder, Archon, Inc., in the amount of \$1,492,498.20.

- h. Decorative streetlight improvements and luminaries for Main Street.

This project; will procure decorative streetlight poles and luminaries that will be installed (via separate contract) in the raised median along Main Street between North Country Club Drive and North Hobson Street. The improvements will enhance the lighting along Main Street and match the style of the poles and luminaries that have been selected for the downtown area.

Recommend award to low bidder, Arizona Electric Supply, in the amount of \$346,260.84.

Councilmember Pomeroy stated that the installation of new poles and luminaries will improve the lighting on Main Street from Country Club Drive to Mesa Drive. Councilmember Pomeroy introduced Redevelopment Director Greg Marek.

Mr. Marek presented a diagram illustrating the future appearance of Main Street. Mr. Marek explained that staff has worked with the businesses and property owners along Main Street to develop a project that will enhance the median area.

In response to a question from Councilmember Kavanaugh, Mr. Marek stated that electrical outlets will be placed on circuits separate from the streetlights and will be added to the median to assist in future electrical demands. Mr. Marek expressed the opinion that the existing streetlights do not possess any historical merits.

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

Carried unanimously.

\*5. Adopt notice of intention to consider adopting water and wastewater utility rates, rate components, fees and/or service charges for the area of Mesa previously known as Williams Air Force Base as recommended by the Utility Committee.

6. Consider the following ordinance.

- \*a. Prohibiting parking from 7:00 a.m. to 4:00 p.m. on school days on the south side of Pueblo Avenue from Longmore to a point 280 feet east of Sycamore; from 8:00 a.m. to 4:00 p.m. on school days on Grandview Circle from Lindsay Road to a point 210 feet east of Lindsay Road; from 8:00 a.m. to 5:00 p.m., Monday through Friday, except holidays, on 2nd Street from Mesa Drive to Lesueur, and on the west side of Lesueur from 2<sup>nd</sup> Street to a point 112 feet south of 2nd Street; prohibiting parking on the north side of Hermosa Vista Drive from 56th Street to a point three hundred thirty feet (330') east of Snead Drive, on the south side of Hermosa Vista Drive from 56th Street to a point four hundred ninety-five feet (495') east of 56th Street, on the north side of Monterey Avenue from Power Road to Sossaman Road, on the south side of Monterey Avenue from Power Road to a point 105 feet west of Revolta, on the south side of Monterey Avenue from Brighton to Sossaman Road, on 72nd Street from Monterey Avenue to Superstition Springs Boulevard, and on 74th Street from Monterey Avenue to Guadalupe Road; and designating Mountain Road as a through street from the north City limits to the south City limits, all as recommended by the Traffic Safety Committee - Ordinance No. 3288.

7. Consider the following resolutions.

- \*a. Vacating a public alley that lies south of Broadway Road between Hunt Street and Barkley Street -Resolution No. 6985.

The neighborhood has requested that the alley be vacated and closed to traffic.

- \*b. Approving and authorizing the City Manager to execute an Agreement of Purchase and Sale between the Roosevelt Water Conservation District and the City of Mesa for the acquisition of real property for the construction of a Regional Wastewater Treatment Plant as recommended by the Utility Committee - Resolution No. 6986.

\*7.1. Consider adopting the proposed fees for tennis and sand volleyball at Kleinman Tennis Center and Gene Autry Sports Complex to be effective March 1, 1997, as recommended by the Parks and Recreation Board.

8. Consider the following case from the Downtown Development Committee and possible adoption of corresponding ordinance.

- \*a. **CZ96-4TC** A portion of the 100 block of North Pomeroy Street (Parcels 138-63-53, -54) rezone from TCR-2 PAD (restricted multiple residential with a Planned Area Development for a 14-unit townhouse project) to TCB-1 (limited commercial/general multiple residential) zoning - Ordinance No. 3289.

This case involves a proposal for a rezoning request from TCR-2 PAD to TCB-1 for two parcels (.63 acres) located at the northwest corner of East 1st Street and North Pomeroy Street. The rezoning of these parcels and the granting of the requested variances will accommodate the proposed development of an 8,350 sq. ft. office project.

Recommendations:

The Downtown Development Committee recommends approval of Case No. CZ96-4TC and corresponding ordinance subject to:

1. Full compliance with all current Code requirements, except as modified through the approval of the rezoning and variances as outlined below;
2. Granting of the rezoning for tax parcels 138-63-53, -54 from TCR-2 PAD (restricted multiple residential with a Planned Area Development for a 14-unit townhouse project) to TCB-1(limited commercial/general multiple residential);
3. Granting of a variance to reduce the interior parking landscaping from the required 2 trees and 4 shrubs to 0 trees and 0 shrubs;
4. Granting of a variance to reduce the landscaping width requirements adjacent and parallel to the frontage of a nonarterial street (1st Street) from 20' to 6';
5. Granting of a variance to reduce the landscaping width requirements adjacent and parallel to, the frontage of a nonarterial street (Pomeroy Street) from 20' to 6';
6. Granting of a variance to reduce the required landscaping width from 12' to that of 8' along the interior property line separating the existing single-family residential to the north and the proposed new office and parking area;
7. Granting of a variance to reduce the required landscaping width from 10' to that of 8' along the interior property line separating the existing single-family residential to the west and the proposed new office development; and
8. Approval of the final site plan, landscape plan, and building elevation plans including the proposed color and materials at the time when building permits are issued.

9. Consider the following cases from the Planning and Zoning Board and possible adoption of the corresponding ordinances.

- a. **Z96-64** The southwest corner of Brown Road and Greenfield Road. Rezone from AG to R1-15 (17± acres). This involves a proposed 23-lot single-residence subdivision. US Development, owner; Ralph Pew, applicant. **A 3/4 VOTE IS REQUIRED TO APPROVE THIS REQUEST. THIS CASE WAS DENIED AT THE DECEMBER 16, 1996, COUNCIL MEETING. THE APPLICANT HAS ASKED FOR RECONSIDERATION OF THE PROJECT** - Ordinance No. 3296.

Conditions as per ordinance under consideration:

1. Compliance with the basic development as shown on the revised plat with 23 lots;
2. Compliance with all City development codes and regulations;
3. Compliance with all requirements of the Public Works Department (Engineering and Traffic Engineering, etc.);
4. Dedication of 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;
5. All street improvements and perimeter landscaping to be installed in the first phase of construction;
6. Compliance with all requirements of the Subdivision Technical Review Committee;
7. Compliance with letter dated December 23, 1996 from Ralph Pew;
8. Owner granting an Avigation Easement and Release to the City pertaining to Falcon Field Airport, which will be prepared and recorded by the City concurrently with the recordation of the final subdivision map;
9. Notice be provided to future residents that the project is within two miles of Falcon Field Airport; and
10. Noise-attenuation measures be incorporated into the design and construction of the homes to achieve a noise level reduction of 25 decibels.

Councilmember Pomeroy 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.

Ralph Pew, 40 North Center, representing the applicant, stated that the preliminary plat for the proposed development has been redesigned to reduce the total number of lots to 23 and create a minimum lot size of 20,000 square feet. Mr. Pew requested that a stipulation be added to his letter dated December 23, 1996, stating that only a single-story home can be built on Lot No. 9.

Councilmember Kavanaugh said that his concerns regarding the project have been addressed. Councilmember Kavanaugh noted the importance of the project to future development in the

surrounding area and expressed appreciation to the applicant and neighbors for their positive work.

David Craine, 4222 East Brown Road, #10, representing the homeowners of Villa Sendero, advised that the applicant has met with the homeowners and addressed a number of requests but said that lot sizes and the maintenance of citrus trees continue to be major concerns. Mr. Craine expressed the opinion that the lot sizes represent an inadequate transition and may set the standard for lots to the east and west of the proposed development. Mr. Craine encouraged the Council to consider the recommendation previously proposed by staff.

Cynthia Thames, 4063 East Encanto, spoke regarding the importance of maintaining low density and preserving citrus trees.

Councilmember Giles expressed appreciation to the applicant for revising the plan and responding to neighborhood requests. Councilmember Giles stated that his concerns regarding the project have been addressed.

It was moved by Councilmember Kavanaugh, seconded by Councilmember Stapley, that the zoning change be approved, subject to stipulations, and that Ordinance No. 3296 be adopted.

Upon tabulation of votes, it showed:

AYES - Brown-Gilbert-Giles-Kavanaugh-Payne-Stapley  
NAYS - None  
ABSTAIN - Pomeroy

Mayor Brown declared the motion carried unanimously by those voting.

- \*b. **Z96-97** 1452 South Ellsworth Road. Modification of an approved R-2-PAD (125± acres). This case involves a modification to the permitted setbacks of "Valle Del Oro." Valle Del Oro Investments Ltd. Partnership, owner; Ralph Pew, applicant – Ordinance No. 3290.

P & Z Recommendation: Approval with conditions (vote 7-0).

1. Compliance with the 3' side yard as requested; and
2. Compliance with all other City development codes and regulations.

- \*c. **Z96-101** The 7100 block of East McKellips Road (north side). Rezone from R1-35 to R-2-PAD (15± acres). This case involves development of a 118-lot patio home project. Gerald & Elaine Petersen Trust, owner; The DeHaven Company, applicant. **A 3/4 VOTE IS REQUIRED TO APPROVE THIS REQUEST. THIS CASE WAS CONTINUED FROM THE DECEMBER 16, 1996, COUNCIL MEETING. THE APPLICANT HAS REQUESTED A CONTINUANCE TO THE FEBRUARY 18, 1997, COUNCIL MEETING.**

P & Z Recommendation: Denial (vote 4-3).

- \*d. **Z96-107** The 10900-11400 blocks of East Baseline Road (south side, south of frontage). Rezone from R1-6-DMP to R-2-PAD-DMP (23± acres). This case involves the development of two condominium subdivisions totaling 196 units - Ordinance No. 3291.

P & Z Recommendation: Approval with conditions (vote 7-0).

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. Dedication of the right-of-way required under the Mesa City Code 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 Subdivision Technical Review Committee.

- \*e. **Z96-108** The 400 block of West Baseline Road (south side). Rezone from M-1 to M-1-BIZ (2.2 acres). This case involves the development of a three-story Extended Stay America hotel. Dobson Testamentary Trust, owner; ESA Properties, Inc., applicant - Ordinance No. 3292.

P & Z Recommendation: Approval with conditions (vote 7-0).

1. Compliance with the basic development as shown on the site plan and elevations submitted, except as noted below;
2. Compliance with all City development codes and regulations;
3. Compliance with all requirements of the Public Works Department (Engineering and Traffic Engineering, etc.);
4. Dedication of the right-of-way required under the Mesa City Code at the time of application for a building permit or at the time of the City's request for dedication, whichever comes first;
5. All street improvements and perimeter landscaping to be installed in the first phase of construction;
6. Compliance with all requirements of the Design Review Board; and
7. Compliance with the landscape plan and roof tile as submitted to the Board.

- \*f. **Z96-109** The 1900 block of North Mesa Drive (west side). Rezone from R-3 to R-2-PAD (4.6 acres). This case involves the development of a 35-lot patio home project. Main Street Investors, owner; Joseph Hogan, applicant - Ordinance No. 3293.

P & Z Recommendation: Approval with conditions (vote 7-0).

1. Compliance with the basic development as shown on the preliminary plat, site plan, and elevations submitted, except as noted below;
2. Compliance with all City development codes and regulations;
3. Compliance with all requirements of the Public Works Department (Engineering and Traffic Engineering, etc.);

4. Dedication of the right-of-way required under the Mesa City Code at the time of recordation of the subdivision plat, or at the time of the City's request for dedication whichever comes first;
5. All street improvements and perimeter landscaping to be installed in the first phase of construction; and
6. Compliance with all requirements of the Subdivision Technical Review Committee.

\*g. **Z96-110** The 3700 block of East Baseline Road (north side). Site Plan Modification (4.3 acres). This case involves the development of a mini-storage facility with manager's quarters. Superstition Freeway Joint Venture, owner; William Jury, applicant - Ordinance No. 3294.

P & Z Recommendation: Approval with conditions (vote 7-0).

1. Compliance with the basic development as shown on the site plan and elevations submitted, except as noted below;
2. Review and approval by the Planning and Zoning Board and City Council of future commercial development;
3. Compliance with all requirements of the Public Works Department (Engineering and Traffic Engineering, etc.);
4. Dedication of the right-of-way required under the Mesa City Code at the time of application for a building permit or at the time of the City's request for dedication, whichever comes first;
5. Compliance with all requirements of the Design Review Board;
6. Full compliance with all current Code requirements, unless modified through appropriate review, and approval of the variances) outlined in the staff report; and
7. Review and approval of a Special Use Permit by the Board of Adjustment for on-site manager's quarters.

\*h. **Z96-112** The northeast corner of North Power Road and East McKellips Drive. Rezone from R1-35 to C-2 and Site Plan Review (1± acre). This case involves the development of a convenience store with gas pumps. Mark Jordan, owner; Tait and Associates, applicant - Ordinance No. 3295.

P & Z Recommendation: Approval with conditions (vote 7-0).

1. Compliance with the basic development as shown on the site plan and elevations submitted, except as noted below;
2. Compliance with all City development codes and regulations;
3. Compliance with all requirements of the Public Works Department (Engineering and Traffic Engineering, etc.);
4. Dedication of the right-of-way required under the Mesa City Code at the time of application for a building permit or at the time of the City's request for dedication, whichever comes first;
5. Compliance with all requirements of the Design Review Board; and

6. Review and approval of a Special Use Permit by the Board of Adjustment for gas pumps.

10. Consider the following subdivision plat.

\*a. "Red Mountain Manor"- The 1400 through 1600 blocks of North 72nd Street (east side); 11 R1-15 single-residence lots (5.6 acres). ALC Builders, Inc., developer; D & M Engineering, engineer.

11. Adjournment.

It was moved by Vice Mayor Gilbert, seconded by Councilmember Pomeroy, that the Regular Council Meeting adjourn at 6:17 p.m.

Carried unanimously.

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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 Regular Council Meeting of the City Council of Mesa, Arizona, held on the 21st day of January, 1997. I further certify that the meeting was duly called and held and a quorum was present.

Dated this 6th day of January, 1997

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BARBARA JONES, CITY CLERK