

COUNCIL MINUTES

February 18, 1997

The City Council of the City of Mesa met in a Regular Council Meeting in the upper level of the Council Chambers, 57 East 1st Street, on February 18, 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

Marc Therre

OFFICERS PRESENT

C.K. Luster
Neal Beets
Barbara Jones

The Invocation was given by Councilmember Giles.

The Pledge of Allegiance was led by Clint Stephens, Troop No. 867.

Recognition of James McNeil and Captain Paramedic Terry Self, Firefighter Jeff Mitchell, and members of the Fire Department's Technical Rescue Team.

Mayor Brown recognized members of the Mesa Fire Department's Technical Rescue Team and Salt River Project employees for their roles in the rescue of John and James McNeil from a 120-foot electrical transmission tower on Tuesday, February 11, 1997.

Mayor Brown introduced Congressman Matt Salmon. Congressman Salmon commended James McNeil and stated that the valiant effort in helping his younger brother John has earned James the title of hero across the nation. Congressman Salmon said that James serves as an example to Americans, and offered his congratulations.

Mayor Brown presented James with a plaque and savings bond in honor of his heroism in the rescue of his younger brother John.

Byron McNeil expressed his appreciation to the individuals who rescued his sons from the transmission tower and added a special thank-you to his son James for his heroism.

1. Approval of minutes of previous meetings as written.

It was moved by Councilmember Pomeroy, seconded by Councilmember Giles, that the minutes of January 31, and February 3 and 6, 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 Councilmember Pomeroy, seconded by Councilmember Giles, that the consent agenda items be approved.

Carried unanimously.

3. Consider the following liquor license applications.

*a. CHARLES J. APPEL, PAST PRESIDENT

Special event license application of Charles J. Appel, Past President, for Mobile Nobles Shrine Club, a one-day fraternal event to be held Wednesday, March 19, 1997, from 11:00 a.m. to 3:30 p.m. at 4900 East McKellips Road, Falcon Field Park.

* b. EDWARD N. BASHA, III, AGENT

Location transfer liquor store license for Bashas' #14, 1954 East McKellips Road. This transfer is from Edward N. Basha, III, Agent, Bashas' #14, 1927 North Gilbert Road, Mesa, to Edward N. Basha, III, Agent, Bashas' #14, 1954 East McKellips Road, Mesa.

c. OCTAVIO RUELAS, JR., AGENT

New beer and wine store license for Super Station Car Wash, 1560 South Gilbert Road. The license previously held at this location by Octavio Ruelas, Jr., Etal, Super Station Car Wash, will revert back to the State.

Following the Mayor's indication that the application is in conformance with ARS 4-201F, it was moved by Councilmember Pomeroy, seconded by Vice Mayor Gilbert, that the new license application be approved.

Councilmember Stapley indicated that in order to remain consistent in his opposition to the sale of liquor and alcohol at the same facility, he will vote to deny the applicant's request.

Upon tabulation of votes, it showed:

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

Mayor Brown declared the motion carried by majority vote.

* d. ALBERT POMA, AGENT

New restaurant license for Poma's Ristorante II, 1927 North Gilbert Road. This is an existing business; the previous liquor license was not renewed for 1991.

4. Consider the following contracts.

- *a. Annual supply contract for inorganic nitrate solution to be used in the City's wastewater collection system as requested by the Utility Operations Division.

The Purchasing Division recommends accepting the low bid by Vulcan Chemical Tech. Inc. at \$54,201.00 plus 5% use tax of \$2,710.05 for a total of \$56,911.05.

(This contract has been placed on the consent agenda for the purpose of continuance to the March 3, 1997, Regular Council Meeting.)

- *b. One-year renewal of the annual supply contract for automotive lighting, mirrors, and safety supplies requested by Fleet Support Services Division.

The Purchasing Division recommends exercising the first of two 1-year renewal options with the original lowest overall bidder meeting specifications, The Lighthouse, for annual purchases estimated at \$30,000.00.

- *c. One-year renewal of the annual supply contract for pavement striping powder for warehouse inventory to be used by the Traffic & Streets Division for striping City streets.

The Purchasing Division recommends exercising the second and final one-year renewal option with the original low bidder meeting specification, Cataphote Inc., at \$94,440.00 plus 5% use tax of \$4,722.00 for a total award of \$99,162.00 based on estimated requirements.

- *d. One-year renewal of the annual contract for maintenance of deep well pumps on City owned wells in Maricopa and Pinal Counties as requested by the Utility Operations Division.

The Purchasing Division recommends exercising the first of two 1-year renewal options, with the primary contracts for Maricopa County and Pinal County going to the original lowest overall bidder, B.L. Weber Group. Annual pump repairs on wells for Maricopa

County are estimated at \$65,000.00, and repairs on wells for Pinal County are estimated at \$70,000.00. The combined award is then \$135,000.00 based on estimated requirements.

- *e. One-year supply of utility bill envelopes as requested by the Printing and Graphics Services Division.

The Purchasing Division recommends accepting the only bid by Tension Envelope Corp. at \$52,371.20 plus 5% use tax of \$2,636.06 for a total of \$55,357.26.

- *f. One-year renewal of the annual supply contract for automotive air conditioning supplies requested by the Fleet Support Services Division.

The Purchasing Division recommends exercising the first of two one-year renewal options with the original lowest overall bidder, B & K Fleet Supply, for annual purchases estimated at \$15,000.00.

- *g. Fire pumper truck equipment as requested by the Fire Department. This equipment will be used on three new pumper trucks which are being readied for service.

The Purchasing Division recommends accepting the low bid meeting specification for each item as follows:

Items 1, 2, 3, 6, 7, 8, 14, 15, 23, 27, 31, 32, 34, 35, 38, 42, 43, and 45 to First In, Inc. at \$19,634.50 plus 7.05% sale tax of \$1,384.23 for a total of \$21,018.73.

Items 4, 5, 9, 13, 16, 17, 18, 19, 21, 22, 24, 25, 28, 33, 36, 37, 39, 40, 41, 44, 47, and 49 to United Fire Equipment Company at \$19,317.06 plus 7.0% sales tax of \$1,352.19 for a total of \$20,669.25.

Items 10, 11, 12, 20, 26, 30, 46, and 48 to Vallen Safety Supply Company at \$3,898.65 plus 7.05% sales tax of \$274.85 for a total of \$4,173.50.

The combined award is then \$45,861.48.

- h. One replacement breathing air compressor with storage receivers and fill station for Fire Training as requested by the Fire Department.

The Purchasing Division recommends accepting the proposal by American Bristol Ind., Inc. which has the highest evaluated total points and also offers the lowest price at \$38,980.00 for the compressor (Item 1A) plus Option 1, less trade-in of \$2,200.00 (for 3a and 3c), plus 5% use tax on material of \$1,839.00 and installation labor of \$3,118.00, for a grand total of \$41,737.00.

Fire Chief John Oliver and Firefighter/Paramedic Greg Fleger demonstrated the use of a self-contained breathing apparatus. Chief Oliver stated that while firefighters are in hazardous atmospheres, they must depend on compressed air. Chief Oliver explained that compressed air

within the self-contained breathing apparatus lasts approximately 15 to 20 minutes when subjected to toxic or smoke-filled atmospheres. Chief Oliver reported that the Fire Department currently has 130 self-contained breathing apparatuses and 275 cylinders. Chief Oliver said that the requested compressor would be located at the training center to re-fill cylinders used in the self-contained breathing apparatus during training, but could also be used in the event of an emergency.

Mayor Brown expressed appreciation to Chief Oliver and Mr. Fleger for the demonstration.

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

Carried unanimously.

- * i. Annual supply contract for audio books as requested by the Library.

The Purchasing Division recommends accepting the bid by Recorded Books, Inc. for annual expenditures estimated at \$30,000.00.

- * j. 7,100 residential recycling containers and 900 residential refuse containers as requested by the Solid Waste and Facilities Division.

The Purchasing Division recommends accepting the low bid meeting specification by Rehrig Pacific Company at \$316,720.00 plus 5% use tax of \$15,836.00 for a total of \$332,556.00.

- * k. Landscape maintenance services at the City's buildings and facilities as requested by the Building and Grounds Maintenance Division.

The Purchasing Division recommends accepting the low bid by E/G Management Inc. at \$361,238.68 based on estimated requirements.

- * l. 53 vehicles for various City departments. This request is for 44 trucks, 5 cargo vans, 1 mini-van, 2 utility vehicles, and 1 sedan.

The Purchasing Division recommends authorizing purchase from the State of Arizona contract as follows:

Sections I and VIII to Berge Ford for \$542,510.54, including extended warranties for each vehicle and applicable sales tax;

Sections II, VII, and XII to Bell Dodge for \$201,064.17, including extended warranties for each vehicle and applicable sales tax;

Sections III, IV, V, IX, and X to Courtesy Chevrolet for \$199,048.64, including extended warranties for each vehicle and applicable sales tax; and

Sections VI and XI to Lou Grubb Ford for \$58,457.26, including extended warranties for each vehicle and applicable sales tax.

The combined award is then \$1,001,080.61. As with previous vehicle purchases, the staff carefully reviewed the cost and coverage of the proposed extended warranties before recommending that they be purchased.

- *m. 4" high-pressure gas main.

This project will install a 4" coated steel gas pipe, a 4" P.E. gas pipe, and an underground regulator station on Power Road from McKellips Road to McDowell Road.

Recommend award to low bidder, Somerville Construction Co., in the amount of \$117,900.05.

- *n. Recarpet various City buildings.

This project will install new carpet in the Parks Administration building, Dobson Ranch Golf Course Pro Shop, and the Main Police Department lower floor.

Recommend award to low bidder, Sun Country Floors, Inc., in the amount of \$49,603.15.

- *o. Recarpet various Fire Department facilities.

This project will install new carpet and tile in Fire Stations 6, 8, and 10, the Public Safety Training Facility, and in Fire Prevention (Fire Station 1).

Recommend award to low bidder, Continental Flooring Company, in the amount of \$53,207.19.

5. Consider the following resolutions.

- *a. Authorizing the use of eminent domain to complete acquisition of right-of-way and easements for the widening of McKellips Road - Resolution No. 6992.
- *b. Authorizing the City Manager to execute a Groundwater Savings Facility Agreement between the Salt River Valley Water Users' Association and the City of Mesa - Resolution No. 6993.
- *c. Authorizing the City Manager to execute an intergovernmental agreement with the Arizona State Department of Library, Archives and Public Records pertaining to Library Services and Construction Act funds - Resolution No. 6994.
- *d. Approving Mr. Glenn T. Batten as the authorized representative of the City of Mesa regarding an economic development administration grant - Resolution No. 6995.

6. Consider the following ordinance.

- *a. Prohibiting parking from 7 a.m. to 4 p.m. on school days on Minton Circle from 32nd Street to a point 190 feet west of 32nd Street; on the north side of Main Street from a point 48 feet west of Williams to a point 54 feet east of Williams, on the south side of Main Street from a point 165 feet west of Williams to a point 75 feet east of Williams, and on Williams from Main Street to a point 220 feet south of Main Street; and reducing the speed limit from 45 mph to 40 mph on Stapley Drive from Baseline Road to the Superstition Freeway (U.S. 60), all as recommended by the Traffic Safety Committee - Ordinance No. 3297.

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

- *a. **Z96-101** The 7100 block of East McKellips Road (north side). Rezone from R1-35 to R-2-PAD (15± acres). This case involves the 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, AND JANUARY 21, 1997, COUNCIL MEETINGS.

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

(This case was placed on the consent agenda for the purpose of referring the request back to the Planning and Zoning Board.)

- *b. **Z97-1** The northwest corner of Power Road and University Drive. Site Plan Review (4± acres). This case involves the development of three pad buildings. Warner Gabel, owner; Lyle Richardson, applicant - Ordinance No. 3298.

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. Recordation of cross-access easements;
6. Review and approval of a Special Use Permit by the Board of Adjustment for a comprehensive sign plan; and
7. Review and approval by the Design Review Board prior to application for a building permit.

- *c. **Z97-2** The northwest corner of McKellips Road and Recker Road. Site Plan Review (4± acres). This case involves the development of five pad buildings. McRae Group, owner; Lyle Richardson, applicant - Ordinance No. 3299.

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

1. Compliance with the basic development as shown on the site plan and as described in the project narrative 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;
 6. Review and approval of a Special Use Permit by the Board of Adjustment for a comprehensive sign plan; and
 7. Owner granting an Avigation Easement and Release to the City pertaining to Falcon Field Airport, which will be prepared and recorded by the City prior to the issuance of a building permit.
- d. **Z97-3** The southeast corner of 40th Street and Brown Road. Rezone from AG to R1-15-PAD (60± acres). This case involves the development of a single-residence subdivision. Harvey Wood, owner; Hancock Communities, Inc., applicant.

P & Z Recommendation: Approval with conditions (vote 4 - 2).

1. Compliance with the basic development as shown on the preliminary plat, project narrative, 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;
5. Compliance with all requirements of the Subdivision Technical Review Committee;
6. Compliance with letter dated January 14, 1997, which is included in the zoning case file;
7. 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;
8. Written notice be provided to future residents and acknowledgment received that this project is within two miles of Falcon Field Airport and including a statement that additional information pertaining to aircraft operations and airport development may be obtained by contacting the Airport administration office;
9. Noise-attenuation measures be incorporated into the design and construction of the homes to achieve a noise level reduction to 65 Ldn; and

10. Retain a minimum of five citrus trees on each lot.

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.

Tom Vetter, 4152 East Encanto Street, expressed support for the project but requested that a stipulation be added requiring the developer to comply with the draft Citrus Area Policy.

It was moved by Councilmember Stapley, seconded by Vice Mayor Gilbert that case No. Z97-3 be continued to the March 17, 1997, Regular Council Meeting.

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.

- *e. **Z97-5** The northwest corner of Country Club Drive and Guadalupe Road. Rezone from R1-6 (Conceptual C-2) to C-2 (3.5± acres). This case involves development of four commercial pad buildings. McRae Group, owner; Lyle Richardson, applicant – Ordinance No. 3300.

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 application for a building permit 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;
5. Compliance with all requirements of the Design Review Board for all uses;
6. Compliance with the project narrative submitted;
7. Application and review of a Special Use Permit by the Board of Adjustment for a comprehensive sign plan; and
8. Compliance with the applicant's letter dated January 16, 1997.

- *f. **Z97-6** The northwest corner of Ellsworth Road and Guadalupe Road. Rezone from AG to R-4 (146± acres). This case involves development of an 875± lot mobile home park. Newport Investments, Inc., owner; Clark R. Richter, applicant. - Ordinance No. 3301.

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. Owner granting an Avigation Easement and Release to the City pertaining to Williams Gateway Airport which will be prepared and recorded by the City (concurrently with the recordation of the final subdivision map, prior to the issuance of a building permit); and
6. Written notice be provided to future residents, and acknowledgment received, that this project is within 4 miles of Williams Gateway Airport and including a statement that additional information pertaining to aircraft operations and airport development may be obtained by contacting the Williams Gateway Airport administration office.

8. Consider the following subdivision plats.

- *a. Map of Dedication of Easements for "Wyndhaven Apartments" - The 4500 block of East Southern Avenue (south side). The Spanos Corporation, developer; Rick Engineering Company, Engineer.
- *b. "Regency at Garden Grove" - The 2400 block of East McKellips Road (north side); 60 R1-9 single-residence lots (24.98 acres). Beazer Homes Holding Corporation, developer; Infinity Engineering Services, Ltd., engineer.
- *c. "Wynstone Park" - The 600 and 700 blocks of South Crismon Road (west side); 93 R1-6-PAD single-residence lots (20.07 acres). Beazer Homes Holding Corporation, developer; Infinity Engineering Services, Ltd., engineer.
- *d. "Vista Norte" - The 2800 and 2900 blocks of North Val Vista Drive (west side); 10 R1-35 single-residence lots (10.002 acres). Blaine Randall, developer; A Land Surveyor, Inc., engineer.

9. Adjournment.

It was moved by Councilmember Stapley, seconded by Vice Mayor Gilbert, that the Regular Council Meeting adjourn at 6:20 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 18th day of February, 1997. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 4th day of March 1997

BARBARA JONES, CITY CLERK