

COUNCIL MINUTES

October 7, 2002

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, 2002 at 5:45 p.m.

COUNCIL PRESENT

Mayor Keno Hawker
Vice Mayor Dennis Kavanaugh
Rex Griswold
Kyle Jones
Janie Thom
Claudia Walters
Mike Whalen

COUNCIL ABSENT

None

STAFF PRESENT

Mike Hutchinson
Debbie Spinner

Invocation by Father Dan Vollmer, Associate Pastor, Christ the King Catholic Church.

Pledge of Allegiance was led by Mikel Shelledy, Boy Scout Troop #250.

Mayor Hawker welcomed everyone to the meeting. A videotaped presentation was aired that outlined meeting procedures and provided attendees with instructions relative to addressing the Council.

Mayor Hawker and Deputy City Clerk Linda Crocker provided an update regarding the upcoming election.

1. November 5, 2002 Election – General Plan.

Ms. Crocker stated that the State's General Election will be conducted on November 5, 2002 and commented on the fact that the City's updated General Plan (Proposition 405) will be on the ballot. She reported that early voting is presently being conducted, that voters who requested an early ballot for the State Primary Election will automatically be sent an early ballot for the General Election, and that the last day to request an early ballot by mail is October 25, 2002. She advised that citizens may contact the Maricopa County Elections Department either by phone or via the County website to request an early ballot by mail. She further reported that citizens may vote in person at 222 East Javelina, and that the last day to vote early in person is November 1, 2002.

2. Mesa Legislative Districts and Candidates.

Mayor Hawker discussed the fact that Legislative and Congressional District boundaries have been redrawn to reflect the 2000 Census. He referred to a map on display that depicted boundary lines for Legislative Districts 17, 18, 19, 21 and 22 within the City limits.

3. Mesa Congressional Districts and Candidates.

Mayor Hawker commented that Arizona now has seven Congressional Districts and referred to a map on display in the Council Chambers that depicted boundary lines for Districts 5 and 6 within the City limits.

1. 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 with an asterisk (*) were approved with one Council action.

It was moved by Vice Mayor Kavanaugh, seconded by Councilmember Walters, that the consent agenda items be approved.

Carried unanimously.

*2. Approval of minutes of previous meetings as written.

Minutes from the July 18, 2002, August 26, 2002, September 5, 12, 19, 23 and 24, 2002 Council Meetings.

3. Consider the following liquor license applications.

*a. JAMES H. RYAN, PRESIDENT

Special Event License application for James H. Ryan, President, Back To School Clothing Drive Assoc., a one-day event to be held Wednesday, October 30, 2002 from 6:00 p.m. to 10:00 p.m., at 1101 S. Ellsworth Road, The Resort.

*b. LORETTA D. ANDERSON, CHAIRMAN

Special Event License application for Loretta D. Anderson, Chairman, Parishioner Social, a one-day event to be held on Friday, October 25, 2002 from 5:00 p.m. to 10:00 p.m., at 2113 N. Lindsay Rd., St. Bridget Catholic Church.

*c. Deleted.

*d. YOLANDA VIDAL ARAVJO, INDIVIDUAL

New Restaurant License for Mariscos Vamos Con Tavo, 816 S. Stapley Drive. This is an existing business. No liquor license previously at this address.

*e. RANDY D. NATIONS, AGENT

New Restaurant License for Seafood Market & Restaurant, 1356 W. Southern Avenue. This is an existing business. The Restaurant License previously held at this location by Randy D. Nations, Agent, for W's Place will revert back to the State.

4. Consider the following contracts:

- *a. Three-year supply contract for Class 200 gas meters for warehouse inventory as requested by the Utility Service Division.

The Purchasing Division recommends accepting the low bid meeting specification, by National Meter, Inc. at \$250,360.71 including applicable use tax and based on estimated annual requirements. The apparent low bid, American Meter's alternate, is for a meter that is not on the list of technically acceptable models.

- *b. Two-year renewal of the supply contract for street lighting control cabinets for warehouse inventory to be used by the Transportation Division.

The Purchasing Division recommends exercising the two-year renewal option with the original low bid by Southern Manufacturing at \$16,546.20 based on estimated annual requirements. Southern Manufacturing has agreed to renew at the same prices, terms and conditions as their original bid from two years ago.

- *c. Two-year supply contract for traffic signal LED modules for warehouse inventory as requested by the Transportation Division.

The Purchasing Division recommends accepting the low bid by Dialight Corporation at \$371,490.43 based on estimated annual requirements. Since the pricing of the bids was quite favorable, the quantities have been increased to match available funding.

- *d. Wireless vehicle theft monitoring system as requested by the Police Department.

The Purchasing Division recommends accepting the bid by HGI Wireless, Inc. at \$19,123.11 including applicable use tax. **(Sole Source)**

5. Introduction of the following ordinances and setting October 21, 2002 as the date of public hearing on these ordinances:

- *a. Prohibiting parking on Preston Street from Recker Road to Olympic; on the south side of Preston Street from a point 95 feet west of Sericin to a point 280 feet east of Sericin; on the north side of Preston Street from a point 55 feet west of Sericin to a point 280 feet east of Sericin; on the north side of Preston Street from a point 20 feet west of Silverado to Power Road; on the south side of Preston Street from Silverado to Power Road; on Ravine from Rochelle Street to Thomas Road; on Virginia Street from Recker Road to Olympic; on Redmont Drive from Recker Road to a point 300 feet east of Recker Road; on the north side of Redmont Drive from Viewmont Drive to a point 200 feet east of Viewmont Drive; increasing the speed limit from 35 mph to 40 mph on Thomas Road from Recker Road to a point 500 feet east of Recker Road; reducing the speed limit from 45 mph to 40 mph on Thomas Road from a point 500 feet east of Recker Road to Power Road, as recommended by the Transportation Advisory Board.

- *b. Amending Ordinance 2274, the nonexclusive cable television license of CableAmerica Corporation.
- *c. Amending Ordinance 3013, the nonexclusive cable television license of Cox Cable Phoenix, Inc.
- d. Adding Hampton Avenue from Sunnyvale to 48th Street and Holmes Avenue from Greenfield Road to 48th Street in the City Code Section 10-3-17 "Special Stops Required," as recommended by the Transportation Advisory Board.

Councilmember Thom stated that she discussed these proposed stop signs with neighborhood residents and received input regarding other traffic concerns in this area. She said that she is in favor of continuing this matter until neighborhood meetings have been conducted concerning traffic control needs for this area.

It was moved by Councilmember Thom, seconded by Councilmember Griswold, that this item be removed from the agenda and resubmitted for consideration subsequent to receiving neighborhood input.

Councilmember Whalen commented on the important role of the Transportation Advisory Board with respect to considering these types of issues and making recommendations to the Council and voiced concerns regarding the Council establishing a precedent of conducting in-depth reassessments of each recommendation.

In response to questions from Councilmember Walters, Mr. Krosting stated that this proposal is for the installation of stop signs on the side streets that intersect Holmes and Hampton, which will remain unrestricted "through streets," and that modifications to the proposed stop signs could be implemented at any time.

Councilmember Walters concurred with Councilmember Whalen's comments and said that although she is opposed to the motion, she supports proceeding with neighborhood meetings relative to traffic concerns.

Councilmember Griswold voiced support for the motion and for allowing neighborhoods to provide input with respect to traffic concerns and traffic control measures.

Vice Mayor Kavanaugh stated opposition to the motion and discussed the possibility of conducting a neighborhood meeting prior to the Council's consideration of the proposed Ordinance on October 21, 2002. He also commented that the Council will have the opportunity to defer action on this proposal at that time.

Mr. Krosting stated the opinion that insufficient time exists in which to schedule and conduct a neighborhood meeting prior to the October 21, 2002 Council meeting.

Mayor Hawker voiced opposition to the motion and reiterated that the Council will have the opportunity to defer action on this proposed Ordinance on October 21, 2002.

Councilmember Jones stated opposition to the motion.

Councilmember Thom noted a typographical error in the proposed Ordinance (“those” instead of “through”). She commented that pursuant to input she received from neighborhood residents, the absence of stop signs on side streets intersecting Hampton and Holmes is not a concern. She added, however, that residents do have concerns regarding an area in the neighborhood where there is a “jog” in the street and noted that accidents involving vehicles impacting a resident’s fence have occurred.

In response to a question from Councilmember Thom regarding costs associated with the proposed stop signs, Mr. Krosting reported that a stop sign/post combination costs approximately \$100; and that the total costs associated with this proposal is in the range of \$500 - \$600.

In response to a question from Mayor Hawker, City Attorney Debbie Spinner advised that typographical errors do not affect the introduction of a proposed Ordinance.

Upon tabulation of votes, it showed:

AYES - Griswold-Thom
NAYS - Hawker-Jones-Kavanaugh-Walters-Whalen

Mayor Hawker declared the motion failed.

It was moved by Councilmember Whalen, seconded by Councilmember Walters, that introduction of this proposed Ordinance and setting October 21, 2002 as the date of the public hearing on this Ordinance, be approved.

Upon tabulation of votes, it showed:

AYES - Hawker-Jones-Kavanaugh-Walters-Whalen
NAYS - Griswold-Thom

Mayor Hawker declared the motion carried by majority vote.

6. Consider the following resolutions:

- a. Authorizing the City Manager to execute an agreement between the City of Mesa and Mesa Unified School District #4 for the funding of the Safe Schools Program – Resolution No. 7914.

Councilmember Walters declared a potential conflict of interest and refrained from discussion/participation in this item.

Sheila Mitton, 1615 W. Pueblo Avenue, addressed the Council and commented on her history as a local child advocate and political activist. She voiced concerns regarding the fact that Mesa’s elementary schools are not included in the Safe Schools Program. She stated that she has been a proponent of placing School Resource Officers at the City’s elementary schools since 1996 and urged the Council to consider this request and deem it a priority with respect to funding.

Ms. Mitton also requested that she be included in the process of selecting the City's new Chief of Police.

Mayor Hawker thanked Ms. Mitton for her comments.

Discussion ensued regarding the fact that the Police Chief selection committee has been assembled and that it is anticipated that a final selection will be announced in late November.

It was moved by Vice Mayor Kavanaugh, seconded by Councilmember Jones, that Resolution No. 7914 be adopted.

Upon tabulation of votes, it showed:

AYES - Hawker-Griswold-Jones-Kavanaugh-Thom-Whalen
NAYS - None
ABSTAIN - Walters

Mayor Hawker declared the motion carried unanimously by those voting and Resolution No. 7914 adopted.

- *b. Extinguishing a temporary drainage easement in the 2900 block of North Omaha and North Oakland Streets – Resolution No. 7912.

New drainage easements have been approved, making the temporary easement no longer required.

- *c. Granting a power distribution easement to Salt River Project at 10550 East Baseline Road – Resolution No. 7913.

This easement is to provide power to Fire Station 217.

7. Consider the following subdivision plats:

- *a. "VILLAGES OF EASTRIDGE UNIT 7", – (Council District 6) – 2300-2400 blocks of South Vegas (west side) 61 R1-7 PAD DMP single residence lots (13.76 ac) Crismon & Baseline, L.L.C., owner; CMX Group Inc., engineer.
- *b. "VILLAGES OF EASTRIDGE UNIT 9", – (Council District 6) – 10100-10200 blocks of East Madero Avenue (north side) 103 R1-7 PAD DMP single residence lots (22.65 ac) Crismon & Baseline, L.L.C., owner; CMX Group Inc., engineer.
- *c. "REPLAT OF LOTS 54 AND 55 OF GRAYFOX AT LAS SENDAS", –(Council District 5) – 7420 and 7426 East Melrose Street (north side) 2 R1-7 PAD DMP single residence lots (0.34 ac) Matthew Thompson, Kathleen Carpenter and Henry and Evelyn Striedel, owners; Vaughn Land Surveying Inc., engineer.

8. Consider the following case from the Planning and Zoning Board and possible adoption of the corresponding Ordinances:

- a. **Z02-26** The northwest corner of Brown and Ellsworth Roads (12.17 acres). Site Plan Modification. This case involves the development of a pharmacy. The Gustine Company, owner; Withey, Anderson, & Morris, P.L.C., applicant.

P&Z Recommendation: Approval with conditions (Vote passed 6-0)

1. Compliance with the basic development as described in the project narrative and as shown on the site plan, preliminary plat and elevations submitted, (without guarantee of lot yield, building count, lot coverage) except as noted below.
2. Pad B shall maintain a minimum one hundred (100) feet building setback from north property line.
3. Construction of 8-foot theme wall and installation of required landscaping along the entire north property line to be completed no later than the development of Pad A (major anchor).
4. Review and approval by the Planning and Zoning Board, Design Review Board and City Council of future development plans.
5. Compliance with all City development codes and regulations.
6. Compliance with all requirements of the Development Services Department (Engineering, Traffic Engineering, Solid Waste and Facilities, etc.).
7. 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.
8. All street improvements (all Ellsworth Road, all Brown Road, and all Glencove Avenue) to be installed in the first phase of construction.
9. Install new perimeter landscaping per Code and maintain native vegetation per Native Plant Preservation Plan (all Ellsworth frontage, CVS property frontage adjacent to Brown Road, and excluding Glencove Avenue frontage) with the first phase of construction.
10. Compliance with all requirements of the Subdivision Technical Review Committee and Land Split Regulations.
11. Compliance with all requirements of the Design Review Board.
12. All pad buildings to be architecturally compatible with the center.
13. Retention basins to be designed in accordance with requirements of Mesa Zoning Ordinance.
14. Installation of interim landscaping north of the proposed CVS store, subject to review by Design Review Board.

Paul Gilbert, 3200 N. Central, the attorney for the property owner and applicant in this case, addressed the Council. He stated that the applicant is in agreement with the conditions except Condition #2, which requires a 100-foot setback for Pad B. He stated that the applicant proposes to add language to Condition #2 that will allow for a "lesser distance as deemed appropriate" by the Planning and Zoning (P & Z) Board and the Council. He further stated that the addition of this language will effectively allow this issue to be considered by the P & Z Board

and the Council in the future when a user for Pad B has been determined. He stated that it is unlikely that the applicant will be able to secure a user for Pad B under the proposed 100-foot minimum setback requirement.

Mr. Gilbert referred to staff's Memorandum dated October 7, 2002 (See Attachment) concerning this case and noted that Condition #8 will be modified to reflect a compromise regarding phasing the required street improvements.

Discussion ensued concerning the language proposed by the applicant regarding Condition #2 and the fact that it is possible that when a development proposal for Pad B is considered in the future, the Council and the P & Z Board may not reach the same conclusion with respect to an appropriate setback; and the fact that the future development proposal process for Pad B will include a public comment process.

In response to a question from Councilmember Walters concerning the point of measurement of the proposed setback in Condition #2 ("from north property line"), Mr. Gilbert stated that because there has been ambiguity with respect to which property line is referenced, the applicant proposes to delete this language.

Carol Owens, P.O. Box 1017, Apache Junction, addressed the Council concerning this item and stated support regarding development of the proposed pharmacy. She voiced the opinion that this development proposal is superior to the previous development proposal for this property, which included a grocery store. Ms. Owens voiced concerns regarding disrupting the native vegetation that currently exists on the parcel any sooner than is necessary and urged the applicant/owner to blade the various pad sites only as development occurs.

Hope Marsh, 9030 E. Glencove Avenue, addressed the Council and requested clarification concerning the proposed modifications to Condition #2 and the exact location of Pad B.

Mayor Hawker referred to an artist rendering displayed in the Council Chambers that depicted the entire site and the location of Pad B and explained that this proposed project has two phases and the development of Pad B will occur during Phase Two, which requires a separate P & Z Board/Council approval process. He added that citizens will have the opportunity to comment on the second phase, including the issue of an appropriate minimum setback for Pad B.

Planning Director Frank Mizner addressed the Council and provided an historical overview regarding this case. He stated that because of recently negotiated compromises with the applicant concerning Conditions #2 and #8, as outlined in staff's October 7, 2002 Memorandum, staff proposes to reintroduce a revised Ordinance at the October 21, 2002 Regular Council Meeting. He noted that the revised Ordinance would be considered by the Council at the November 4, 2002 Regular Council Meeting. Mr. Mizner reported that the language proposed by the applicant concerning Condition #2, which postpones the decision of an acceptable setback for Pad B until a proposal regarding Phase Two is submitted, is acceptable to staff. He further reported that staff also supports phasing the street improvements provided in Condition #8, as outlined in staff's October 7, 2002 Memorandum.

Mayor Hawker said that although he supports the proposed modifications to Conditions #2 and #8 and removing this case from the agenda to be reintroduced on October 21, 2002, he is

concerned that staff is establishing a precedent with respect to continued negotiations and conditional modifications after the ordinance introduction/approval process has commenced.

Vice Mayor Kavanaugh and Councilmembers Griswold, Jones and Walters voiced support for the proposed modifications to Conditions #2 and #8, and for removing the item from the agenda and reintroducing a modified Ordinance on October 21, 2002.

Discussion ensued regarding the Council process of removing an item from the agenda.

In response to a question from Councilmember Thom concerning whether future improvements on Ellsworth Road in this area will include a raised median, Transportation Director Ron Krosting stated that Ellsworth Road is a designated median island street in the City's Transportation Plan and has been for numerous years. He reported that Maricopa County will be improving Ellsworth Road in this area, that the County is currently in the design process. He added that after conducting neighborhood meetings concerning proposed improvements and consulting City staff, the County's design presently includes a raised median. He noted that the design provides for a median opening at Glencove.

Councilmember Thom voiced support for reintroducing a modified Ordinance at the October 21, 2002 Regular Council Meeting.

Mayor Hawker said that there is Council concurrence that this item be removed from the agenda and that a modified Ordinance be reintroduced at the October 21, 2002 Regular Council Meeting.

9. Items from citizens present.

Hope Marsh, 9030 E. Glencove Avenue, readdressed the Council under this agenda item and voiced concerns relative to planned County improvements on Ellsworth Road, as described by Mr. Krosting under agenda item 8a (Z02-26). She stated that neighborhood residents were advised that the Ellsworth Road design does not provide for a median opening at Glencove.

Mr. Krosting stated that Maricopa County is still in the design process regarding Ellsworth Road improvements and that additional neighborhood meetings are being planned. He advised that City staff would contact Maricopa County concerning this issue and ensure that residents are contacted concerning future neighborhood meetings. He encouraged interested residents to attend future meetings and provide input.

10. Adjournment.

Without objection, the Regular Council Meeting adjourned at 6:42 p.m.

KENO HAWKER, 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 2002. I further certify that the meeting was duly called and held and that a quorum was present.

BARBARA JONES, CITY CLERK

Attachment
pjt