

# COUNCIL MINUTES

October 18, 1999

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 October 18, 1999 at 5:55 p.m.

## COUNCIL PRESENT

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

## COUNCIL ABSENT

John Giles

## POLICE OFFICER PRESENT

Marc There

## OFFICERS PRESENT

C.K. Luster  
Neal Beets  
Barbara Jones

Mayor Brown excused Vice Mayor Giles from the meeting and extended the Council's condolences on the recent loss of his father.

The Invocation was given by Councilmember Pomeroy.

The Pledge of Allegiance was led by Bryce Clark, Troop #351.

Recognition awards to West 2<sup>nd</sup> Street, Evergreen and Glenwood/Wilbur Historical Districts.

Victor Linoff, Chairman of the Historic Preservation Committee, thanked the Council for the opportunity to acknowledge the contributions of Mesa citizens in the area of Historic Preservation. Mr. Linoff provided a brief overview of the lengthy process involved in achieving this status, and reported that this honor has been bestowed upon three separate locations in Mesa: West 2nd Street, Evergreen and Glenwood/Wilbur.

Mr. Linoff presented recognition awards to the following citizens for their efforts to achieve this national honor: Mark Reeb (West 2nd Street); Tiffany Burch (Glenwood/Wilbur) and Betty Welton (Evergreen) and congratulated them on their achievements.

Mayor Brown also congratulated the recipients on their accomplishments.

Recognition of the scholarship recipients of the Mayor's Disability Awareness Committee.

Judy Taussig, representing the Mayor's Committee on Disability Awareness, informed the audience that the Committee has been distributing scholarships to worthy candidates over the last 14 years. Ms. Taussig announced the names of the 18 recipients for the 1999 Scholarships and presented the awards to six of the winners who were present at the meeting. Ms. Taussig congratulated the recipients on their achievements.

Mayor Brown also commended the winners and expressed appreciation to members of his staff, Misty Wells and Becky Richardson, for the efforts they expend on behalf of this worthwhile Committee.

1. Approval of minutes of previous meetings as written.

It was moved by Councilmember Kavanaugh, seconded by Councilmember Pomeroy, that the minutes of September 15, 29 and 30, and October 6, 7, and 11, 1999 be approved.

Mayor Brown declared the motion carried unanimously by those present.

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 Kavanaugh, seconded by Councilmember Pomeroy, that the consent agenda items be approved.

Mayor Brown declared the motion carried unanimously by those present.

3. Consider the following liquor license applications.

\*a. JENNIFER J. WAMBOLDT, CHAIRPERSON

Special Event License application of Jennifer J. Wamboldt, Chairperson, Desert Club of Mesa, a one-day charitable event to be held on Thursday, December 2, 1999, from 6:00 p.m. to 10:00 p.m., at 4040 E. McLellan Street.

\*b. JOSEPH SPADARO, PROGRAM DIRECTOR

Special Event License application of Joseph Spadaro, Program Director, St. Bridget's Knights of Columbus, a one-day fraternal event to be held on Friday, November 12, 1999, from 6:00 p.m. to 11:00 p.m., at 2213 N. Lindsay Road, St. Bridget Catholic Church.

\*c. LORI ANN GEIWITZ, AGENT

Person and Location transfer Beer and Wine Bar License for Residence Inn by Marriott Mesa, 941 W. Grove Avenue. This transfer is from John George Harrison, Agent, Chives, 7537 E. McDowell Road, Ste. 133, Scottsdale.

\*d. RUSSELL G. SCARAMELLA, AGENT

New Beer and Wine Store License for Arco AM/PM, 1208 S. Ellsworth Road. This is a vacant lot at this time, no previous liquor license at this location.

4. Consider the following contracts:

- \*a. Landscape maintenance services at the City's parks & retention basins in the area designated as Zone 6 as requested by the Parks, Recreation and Cultural Division. This contract covers an area from Country Club Drive to the western City limit.

The Purchasing Division recommends accepting the low bid by Art Landscaping, Inc. at \$155,643.00 based on estimated requirements.

- \*b. Two-year supply contract for automotive/truck parts as requested by Fleet Support Services Division.

The Purchasing Division recommends accepting the bid by B & K Fleet Supply Company, Inc. for annual purchases estimated at \$130,000.00 based on estimated requirements.

- \*c. Replacement rotary mowing equipment as requested by the Parks, Recreation & Cultural Division.

The Purchasing Division recommends accepting the following bids:

Item 1 from A to Z Equipment Rentals & Sales for their low bid meeting specification at \$7,399.00 plus 7.0% sales tax of \$517.93 for a total of \$7,916.63; and

Item 2 from Horizon for their low bid at \$30,980.00 plus 7.0% sales tax of \$2,168.60 for a total of \$33,148.60. The combined award is then \$41,065.53.

- d. 73 Replacement CNG-Powered Patrol Sedans for the Police Department.

The Purchasing Division recommends authorizing purchase from the State of Arizona contract with Mel Clayton Ford for \$2,00,638.00.

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

Mayor Brown declared the motion carried unanimously by those present.

- \*e. Automated Emergency Notification System for Public Safety Communications as requested by the Police Department (PD).

The Purchasing Division recommends accepting the proposal from Avtex for a total cost of \$28,645.00 plus 5% use tax for a total of \$30,077.25.

- \*f. Range Rider Zone Pressure Reducing Valve Installation, City of Mesa Project No. 99-58.

This project involves the installation of pressure reducing valves and piping in the Range Ride Pressure Zone in East Mesa.

Recommend award to low bidder, RegCon, Inc., in the amount of \$65,988.00.

- \*g. Baseline Road and Price Road Odor Control Improvement Project, City of Mesa Project No. 98-83.1.

This project is the second phase of a two-phased project to provide access and odor control to the sewer meter structures located on Baseline road at the Price Freeway.

Recommend award to low bidder, RDH Environmental Services, in the amount of \$447,826.00.

- h. Gas and Water System Replacement of Fraser Drive, City of Mesa Project No. 97-87.

This project consists of replacing the gas and water mains along Fraser Drive between University Drive and Main Street.

Recommend award to low bidder, Mastec North America, Inc., in the amount of \$441,560.00.

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 Councilmember Kavanaugh, seconded by Councilmember Jaffa, that the recommendation of staff be approved.

Upon tabulation of votes, it showed:

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

Mayor Brown declared the motion carried unanimously by those present and voting.

- \*i. Lift Station, Force Main and Effluent Return Line, City of Mesa Project No. 99-12.

This project involves the installation of a sewer force main along the south hard bank of the Salt River west of Dobson Road.

Recommend award to low bidder, Agate, Inc., in the amount of \$480,900.00.

- \*j. Facilities landscape maintenance services for grounds adjacent to City buildings as requested by the Facilities Maintenance Division.

The Purchasing Division recommends accepting the low bid by The Groundskeeper at \$312,811.00 based on estimated requirements. The proposed contract is for two years with a two-year renewal option.

5. Introduction of the following ordinances and setting November 1, 1999 as the date of 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. **Z99-80** The northeast corner of Val Vista Drive and U.S. 60. Rezone from C-2 to R-4 (3± acres). This case involves the development of a senior apartment complex.
- \*b. **Z99-81** The northeast corner of Val Vista Drive and Inverness. Rezone from R1-7 to C-2 (1.5± acres). This case involves the development of a retail building for Washburn Piano.
- \*c. **Z99-83** South of the southwest corner of Power Road and Thomas Road. Rezone from R1-90 to R1-6-PAD (5.7± acres). This case involves the development of a detached patio home subdivision.
- \*d. **Z99-85** South of the southwest corner of Greenfield Road and Main Street. Rezone from AG to R-2-PAD (7± acres). This case involves the development of a residential subdivision.
- \*e. **Z99-86** The 2100 block of South Vineyard (west side). Rezone M-1 to M-1-PAD (7± acres). This case involves the development of an office complex.
- \*f. **Z99-87** 538 South Robson. Rezone from R-4 to M-2 (.3 acre). This case involves the development of an industrial facility with outdoor storage.
- \*g. **Z99-88** The 1300 block of North Val Vista Drive (west side). Rezone from R1-35 to R1-35-PAD (20 acres). This case involves the conversion of an existing subdivision to a gated community.
- \*h. **Z99-89** The 11200 through 11500 blocks of Elliot Road (south approximately 400'). Establishment of City zoning districts on recently annexed lands (157 acres).
- \*i. **Z99-90** The 6500 and 6600 blocks of East Superstition Springs Blvd. (north side). Site Plan Review (7± acres). This case involves the development of an office complex.
- \*j. Relating to public health; repealing Ordinance 3649; amending Section 6-11-2 of the Mesa City Code and providing for a savings clause and penalties for the violation thereof;

This ordinance repeals the prior ordinance allowing a mechanical ventilation system in lieu of doors.

6. Considering the following resolutions:

- \*a. Extinguishing an Easement for Public Utilities at 1861 E. Enrose Street.  
  
The easement is not being used and is in conflict with the construction of a new swimming pool – Resolution No. 7430.
- \*b. Extinguishing a Public Utility Easement a 2864 N. Kashmir.

The owner is combining two residential lots into one, making this easement no longer necessary – Resolution No. 7431.

- c. Authorizing the sale of \$38,500,000 of General Obligation Bonds, Series 1999, ordering sale under an accelerated bidding process and authorizing award of the Bonds to be made at the lowest net interest cost to the City of Mesa; and declaring an emergency, as recommended by the Finance Committee – Resolution No. 7433.

In response to a question from Councilmember Hawker, relative to whether delaying the sale of bonds for certain projects pending the outcome of the upcoming election to verify continuing City revenues, Assistant to the City Manager Bryan Raines advised that if the City's revenue stream is not negatively impacted by passage of the proposed citizen initiatives, staff would immediately initiate the bidding process and proceed with the delayed projects.

It was moved by Councilmember Kavanaugh, seconded by Councilmember Pomeroy, that Resolution No. 7433 be adopted.

Mayor Brown declared the motion carried unanimously by those present and Resolution No. 7433 adopted.

- d. Authorizing the sale of \$7,900,000 of Street and Highway Revenue Bonds, Series 1999, ordering sale under an accelerated bidding process and authorizing award of the Bonds to be made at the lowest net interest cost to the City of Mesa; and declaring an emergency, as recommended by the Finance Committee – Resolution No. 7434.

In response to a request from Councilmember Hawker, City Financial Advisory Larry Given explained that agenda items c and d include proposed emergency clauses based on his recommendation that the sale occur prior to the end of November. Mr. Given explained that bond purchasers will be closing their books early in anticipation of Y2K and said that delays may negatively impact the proposed sale.

Mayor Brown and Councilmember Davidson stated that they support staff's recommendations.

It was moved by Councilmember Kavanaugh, seconded by Councilmember Davidson, that Resolution No. 7434 be adopted.

Mayor Brown declared the motion carried unanimously by those present and Resolution No. 7434 adopted.

- \*e Approving and authorizing the City Manager to execute an agreement between the Central Arizona Water Conservation District (CAWCD) and the City of Mesa.

This agreement is for an extension of a currently existing contract for delivery of incentive recharge water to Mesa by the Central Arizona Water Conservation District – Resolution No. 7432.

7. Consider the following ordinances:

- \*a. Amending the City Code to regulate left-turns from certain driveways, designating certain streets, alleys, and driveways as one-way, designating certain streets as through Transportation Advisory Board – Ordinance No. 3696.

- b. **A98-5** The south side of East McDowell Road from North Waterbury Road east to North 90<sup>th</sup> Street. **CONTINUED FROM THE SEPTEMBER 21, 1999 CITY COUNCIL MEETING – Ordinance No. 3701.**

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.

Ralph Pew, 10 West Main Street, an attorney representing the applicant, emphasized that the issue before the Council for consideration is the approval of an annexation case and not a zoning case. Mr. Pew noted that the 112 acres are located on the south side of McDowell Road, between Hawes and Ellsworth Roads, and added that the Maricopa County Board of Supervisors approved the case in November 1997, months before the Mesa City Council's discussions relative to enhanced Desert Upland Area regulations.

Discussion ensued relative to the fact that the case took two years to evolve, discussions that occurred between the developer and City staff regarding the possibility of incorporating this parcel in with another larger parcel, the applicant's intention to develop the land to City standards, the fact that the applicant is willing to pay for the cost of 2 ½ miles of sewer line extension which will assist future development in the area, and the fact that the project calls for 1.28 units per acre, which is slightly higher than the General Plan's requirements.

Mr. Pew reiterated that this case is annexation rather than zoning related and urged the members of the Council to approve the applicant's request.

Mayor Brown thanked Mr. Pew for his comments and stated that there are speakers present who have indicated their interest in providing input regarding this agenda item.

Carol Owens, mailing address Apache Junction, addressed the Council and expressed concerns regarding density levels and lot sizes. Ms. Owens commended the developer on his efforts to design a superior project but also stressed the importance of protecting and preserving wild life and native plant life in the area.

Carol Spangler, 2920 North 82nd Street, advised the Council that she is a member of the Spook Hill Homeowners' Association but is speaking tonight as a citizen of Mesa and resident in the area under discussion. Ms. Spangler stated the opinion that the proposed project contains a number of excellent design features but expressed concerns regarding the number of 18,000 square foot lots that are being proposed. Ms. Spangler urged the Council to continue their efforts to preserve the area and protect the desert uplands.

Councilmember Pomeroy said that in the interest of fairness, and in order not to create undue hardships for individuals who have been involved in the extensive review process, he will vote in support of approving this case.

Councilmember Davidson noted that the developer intends to construct approximately 15 to 20 more homes than the zoning should allow and said that although he sympathizes with the track record associated with this case, in his opinion the developer should have remained within the proposed density guidelines for that area.

Mr. Pew explained that when this case was originally presented to the Council for annexation, the Council was in the process of developing enhanced Desert Upland Guidelines and discussing decreased density levels for that area. Mr. Pew noted that platting a project of this size is both lengthy and expensive and

said that all of the work has already been completed. Mr. Pew stated the opinion that the Council should not penalize the applicant based on the fact that the project was initiated in 1997, long before the Council's discussions and decisions regarding enhanced Desert Upland Guidelines and density levels.

Councilmember Kavanaugh commented that zoning decisions have already been rendered on this case and stressed the importance of fairness and recognizing the efforts that have been expended by the applicant over the past two years. Councilmember Kavanaugh added that should the Council not vote in support of the proposed annexation, the result would be the creation of an additional "County island" and discussed the negative impacts surrounding that process.

Councilmember Hawker questioned whether developers who have already participated in the extensive process, should be "grandfathered" and said that in his opinion this particular case should be approved.

In response to a request from Mayor Brown, Community Development Manager Wayne Balmer provided a brief overview of this case.

Mayor Brown indicated that he concurred with Councilmember Kavanaugh's remarks relative to the fact that the only issue before the Council at this time is annexation (rather than zoning) related.

Councilmember Davidson commented that despite the fact that he would like the project to come to fruition, he will not vote in support of the applicant's request. Councilmember Davidson emphasized that the property was zoned 0-1 homes per acre long before the County became involved and stressed the importance of adhering to the established density levels.

In response to a question from Mayor Brown relative to discussing zoning issues relative to this annexation case, City Attorney Neal Beets expressed the opinion that the Council's decision should be based solely on the merits of the proposed annexation.

Mayor Brown spoke in opposition to the creation of additional "County islands" within the City of Mesa and said that he will vote in support of the proposed annexation.

In response to a question from Councilmember Jaffa, Mr. Beets reiterated his opinion that it was appropriate for Councilmember Jaffa to declare a conflict of interest on this case.

It was moved by Councilmember Hawker, seconded by Councilmember Pomeroy, that Ordinance No. 3701 be adopted.

Upon tabulation of votes, it showed:

AYES -	Brown-Hawker-Kavanaugh-Pomeroy
NAYS -	Davidson
ABSENT -	Giles
ABSTAIN -	Jaffa

Mayor Brown declared the motion carried by majority vote of those present and voting and Ordinance No. 3701 adopted.

c. Annexing the following Maricopa County street rights-of-way:

- \*1. **A98-10** Maricopa County right-of-way for Sossaman Road between Elliot and Guadalupe Roads – Ordinance No. 3697.

- \*2. **A98-11** Maricopa County right-of-way for Hawes Road between Elliot and Guadalupe Roads – Ordinance No. 3698.
- \*3. **A98-12** Maricopa County right-of-way for Crismon Road from Elliot Road to Guadalupe Road and Guadalupe Road between Hawes and Signal Butte Roads – Ordinance No. 3699.
- \*4. **A98-13** Maricopa County right-of-way for Signal Butte Road from Baseline to Elliot Roads – Ordinance No. 3700.

8. Consider the following recommendation from the Police Committee:

- a. Awarding Diversified Towing, Inc., dba Cactus Towing, an extension of the existing contract for accident recovery towing service as recommended by the Police Committee.

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.

Councilmember Pomeroy, who serves as Chairman of the Police Committee, noted that the Committee has recommended approval of the request to extend the existing contract, (which expires in February 2000), between the City of Mesa and Diversified Towing, Inc. (dba Cactus Towing) for accident recovery towing services for an additional five-year period of time.

Councilmember Hawker stated that he would not vote in support of the requested contract extension. Councilmember Hawker added the opinion that upon the expiration of City contracts, all vendors should be required to respond to Requests for Proposals (RFP's) issued by the City in order to provide additional towing companies in other cities an opportunity to serve as a provider. Councilmember Hawker said that staff has estimated that it would cost approximately \$1,000 to issue an RFP and expressed the opinion that the cost would be justified and appropriate.

Mayor Brown commented that he is aware of the City's purchasing procedures and commented on additional long-term contracts between the City and certain providers who continue to provide excellent services at reasonable costs.

It was moved by Councilmember Pomeroy, seconded by Councilmember Kavanaugh, that the recommendation of the Police Committee be approved.

Upon tabulation of votes, it showed:

AYES -	Brown-Davidson-Kavanaugh-Pomeroy
NAYS -	Hawker
ABSENT -	Giles
ABSTAIN -	Jaffa

Mayor Brown declared the motion carried by majority vote of those present and voting.

9. Consider the following subdivision plats:

- \*a. "SUPERSTITION TRIANGLE BUSINESS PARK UNIT 1" – The 4400-4600 blocks of East Baseline Road (north side) 2 C-2 commercial lots and 6 M-1 PAD industrial lots (46.8 acres) Langley Superstition Triangle Limited Partnership, developer; Ace Engineering, Inc., engineer.

10. Items from citizens present. (Maximum of three speakers for three minutes per speaker).

Kirby Allen addressed the Council and spoke in opposition to the City of Mesa's current administration and the fact that a Home Rule issue may be placed on the ballot of the upcoming March 14, 2000 Primary Election. Mr. Allen spoke in support of defeating the Home Rule issue and expressed the opinion that Home Rule is a "political loophole" which allows City government to circumvent existing laws.

Paul Brando, 61 South Macdonald, said that he was recently informed that the Council had discussed censoring religious Christmas songs during the upcoming holiday season and urged the Council to avoid censorship and foster brotherly love and the Golden Rule.

Mayor Brown thanked Mr. Brando for his comments.

11. Adjournment.

Without objection, the Regular Council Meeting adjourned at 7:21 p.m.

---

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 October 1999. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this \_\_\_\_ day of \_\_\_\_\_ 1999

---

BARBARA JONES, CITY CLERK