



# COUNCIL MINUTES

September 22, 1998

The City Council of the City of Mesa met in a Regular Council Meeting in the upper level meeting room of the Council Chambers, 57 East 1st Street, on September 22, 1998 at 5:45 p.m.

## COUNCIL PRESENT

Mayor Wayne Brown  
Jim Davidson  
John Giles  
Keno Hawker  
Bill Jaffa  
Dennis Kavanaugh

## COUNCIL ABSENT

Pat Pomeroy

## POLICE OFFICER PRESENT

Lyle Burton

## OFFICERS PRESENT

C.K. Luster  
Neal Beets  
Barbara Jones

Mayor Brown excused Councilmember Pomeroy from the meeting.

Invocation was given by Vice Mayor Giles.

Pledge of Allegiance was led by Brownie Troop 2298 members Taylor Hamm, Christy Ross and Brittany Davis.

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

It was moved by Councilmember Kavanaugh, seconded by Councilmember Hawker, that the minutes of the August 31 and September 8, 1998 Council meetings be approved.

Mayor Brown declared the motion carried unanimously by those present.

### 2. Consider all consent agenda items.

All items listed with an asterisk (\*) will be considered as a group by the City Council and will be enacted with one motion.

It was moved by Vice Mayor Giles, seconded by Councilmember Kavanaugh, 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. CHRISTOPHER CURRAN, TREASURER

Special Event License application of Christopher Curran, Treasurer, Mesa Jaycees, a one-day civic event to be held on Monday, November 16, 1998, from 5:00 p.m. to 1:00 a.m., at 640 North Center Street, Mesa Jaycees.

\*b. JOHN R. COLEMAN, PASTOR

Special Event License application of John R. Coleman, pastor, Christ the King Family Fair Committee, a two-day religious event to be held on Saturday, October 17, 1998, from 6:00 p.m. to 10:00 p.m. and Sunday, October 18, 1998 from 12:00 Noon to 9:00 p.m. at 1551 E. Dana Avenue, Christ the King Catholic Church.

\*c. JOHN BROOKHART, FINANCE OFFICER

Special Event License application of John Brookhart, Finance Officer, Confederate Air Force-Arizona Wing, a one-day civic event to be held Saturday, October 17, 1998, from 4:00 p.m. to 12:00 Midnight, at 2017 N. Greenfield Road, Falcon Field Airport.

\*d. ROBERT E. LEE, EVENT COORDINATOR

Special Event License application of Robert E. Lee, Event Coordinator, queen of Peace Catholic church, a one-day religious event to be held on Friday, October 16, 1998, from 6:30 p.m. to 10:00 p.m., at 141 N. Macdonald Street, Queen of Peace Catholic church.

e. JANE E. GRIFFIN, INDIVIDUAL

New Beer and Wine Store License for 7-Eleven, 26681B. 5957 E. McDowell Road. The license previously held at this location by Bobby A. West, Agent, Timedawe Enterprises, Inc., will revert back to the State.

Vice Mayor Giles advised that he has received comments from citizens concerned about the fact that the establishment is located on the way to and from the Salt River Recreational area and encouraged the applicant to work with various Sheriff's agencies in an effort to ensure that the sale of liquor at this location does not result in increased liquor-related traffic accidents.

It was moved by Vice Mayor Giles, seconded by Councilmember Jaffa, that the license application be approved.

Mayor Brown declared the motion carried unanimously by those present.

\*f. BRUCE HOLBROOK, AGENT

New Beer and Wine Store License for Texaco Star Mart, 2011 East McKellips Road. The license previously held at this location by John T. Bucholz, Agent, Texaco Refining and marketing, Inc., will revert back to the State.

\*g. H. J. LEWKOWITZ, AGENT

New Restaurant License for Timber Lodge Steakhouse, 6810 East Main Street. The license previously held at this location by Lynn Whiteford, Agent, summit family Restaurants, Inc., will revert back to the State.

4. Consider the following contracts:

- \*a. Two replacement front loading refuse trucks as requested by the Solid Waste Division.

The Purchasing Division recommends authorizing an additional purchase option from RFB #97136 with the low bid for item 2 by Arizona Truck Center at \$322,894.69 including all optional accessories, applicable sales tax and extended warranties.

- \*b. Two Holmatro rescue tool devices as requested by the Fire Department. This equipment is used to extricate victims from wrecked vehicles.

The Purchasing Division recommends accepting the low bid by Canyon state Emergency products at \$45,156.00 plus 7% sales tax of \$3,160.92 for a total of \$48,316.92.

- \*c. Meeting room furniture for the Main Library. This purchase includes 234 chairs, 12 chair transport carts, 42 folding tables and 4 rectangular table carts.

The Purchasing Division recommends accept the low bids meeting specification as follows:

Items 1-6 to office Depot at \$31,348.00 plus 6.80% sales tax of \$2,131.66 for a total of \$33,479.66; and

Items 7-10 to Walsh Bros. At \$5,278.16 plus 6.80% sales tax of \$358.91 for a total of \$5,637.07. The combined award is then \$39,116.73.

- \*d. Two-year supply contract to fabricate and install internally illuminated street name signs as requested by the Transportation Division.

The Purchasing Division recommends accepting the bid by Fluoresco Lighting-Sign Corp. for annual expenditures estimated at \$130,000.00.

- \*e. Six replacement utility vehicles used for general maintenance at the Cemetery, Hohokam Park, Dobson Ranch and Riverview Golf Courses as requested by the Parks, Recreation & Cultural Programs Division.

The Purchasing Division recommends authorizing purchase from the State of Arizona contract with Simpson Norton Corporation at \$58,800.00 plus 7.50% sales tax of \$4,410.00 for a total of \$63,210.00.

- \*f. Landscape maintenance Services for medians and right-of-way areas for Sections III and IV as requested by the Street Maintenance Division. These two contracts cover areas east of Gilbert Road.

The Purchasing Division recommends accepting the low bids by Bowen's Horticulture Services, Inc. at \$248,014.00 based on current estimated requirements.

- \*g. Annual Supply contracts for Gateway Notebook Computers for City Departments as requested by the Information Services Division (ISD).

The Purchasing Division recommends awarding annual supply contracts with the option to extend the contracts up to two additional one-year periods, to the lowest bidders meeting specification.

Macroland as primary supplier and Gateway 2000 Major Accounts, Inc. as secondary supplier, for total annual purchases of 30 notebook computers totaling \$125,484.49.

A secondary supply contract is recommended in order to assure continuity of supply.

- \*h. One 4-door administrative sedan as requested by the Police Department. This is an addition to the fleet.

The Purchasing Division recommends accept the low bid by Thorobred Chevrolet at \$16,373.91 plus 7% sales tax of \$1,146.17 for a total of \$17,520.08.

5. Consider the following ordinances:

- \*a. **A98-4** The proposed annexation of an area around the southeast corner of Elliot and Power roads (154 +/- acres). Initiated by property owner. **CONTINUED FROM THE SEPTEMBER 8, 1998 COUNCIL MEETING** – Ordinance No. 3535.

6. Consider the following resolutions:

- a. Clarifying the 1996 Mesa General Plan Land Use issue – Resolution No. 7256.  
**CONTINUED FROM THE AUGUST 31, 1998 COUNCIL MEETING.**

Community Development Manager Wayne Balmer informed the Council that citizens have raised concerns regarding the zoning map that has been presented. Mr. Balmer explained that the map indicates low density residential uses but the applicant believes that this designation is inaccurate and is requesting that the map be modified to reflect medium density residential uses.

Mike Elliott, 1810 East Hackamore, a member of the Economic Development Advisory Board and MEGACORP, spoke in support of the current zoning designation. Mr. Elliott noted that the area is in the Williams Gateway Airport/ General Motors Proving Grounds area and is one of the most important industrial overlay areas in the City.

Webb Crockett, 3003 North Central, stated the opinion that in the future Williams Gateway Airport will be used as a reliever airport for Sky Harbor and stressed the importance of protecting industrial and commercial land in this area to attract future businesses and strengthen Mesa's economic base.

Jack Sellers, 13303 South Ellsworth, spoke in support of staff's recommendation and emphasized the importance of establishing long-term compatible land use to attract and maintain businesses in the area in the future.

Carolyn Baecker, 418 South Price Road, Tempe, urged the Council to provide quality planning for future generations. Ms. Baecker stated the opinion that the Mesa General Plan must be adhered to on a consistent basis in order to protect and enhance Mesa's economic development base.

John Moshier, 1 East Camelback, Suite 1100, Phoenix, an attorney representing the applicant, stated the opinion that the property currently under discussion has always been designated medium density residential and requested that the Council render a policy decision and approve the applicant's request to allow the medium density residential use to remain in place.

Jason Morris, 3200 North Central, an attorney representing Del Pueblo Homes, recommended that the Council consider a comprehensive development plan for the area. Mr. Morris expressed the opinion that the parcel is appropriate for residential development and requested an opportunity to work with City staff to develop an acceptable solution to density concerns.

Vice Mayor Giles stated the opinion that the location is not appropriate for residential use and stressed the importance and economic benefit of attracting companies such as General Motors, TRW, and Boeing to Mesa.

Councilmember Kavanaugh also spoke in support of maintaining the current density designation but added that it is appropriate for the speakers to request an opportunity to develop and present a comprehensive development plan for Council and staff review and consideration. Councilmember Kavanaugh added that he will support staff's recommendation but spoke in support of pursuing an improved process with which to mediate similar disputes in the future.

Councilmember Hawker commented that in his opinion low density residential is an appropriate designation for the area.

Councilmember Davidson concurred with the remarks of the previous speakers.

It was moved by Vice Mayor Giles, seconded by Councilmember Davidson, that Resolution No. 7256 be adopted.

Mayor Brown declared the motion carried unanimously by those present and Resolution No. 7256 adopted.

\*b. Authorizing the City Manager to execute an agreement between the Mesa Vista Street Lighting Improvement District and the City of Mesa for the operation and maintenance of street lighting facilities – Resolution No. 7255.

c. Approving and authorizing the City Manager to execute an agreement between the Regional Public Transit Authority and the City of Mesa – Resolution No. 7257.

In response to a request from Councilmember Hawker, Transit Coordinator Jim Wright presented a brief synopsis of the proposed agreement.

It was moved by Councilmember Kavanaugh, seconded by Vice Mayor Giles, that Resolution No. 7257 be adopted.

Mayor Brown declared the motion carried unanimously by those present and Resolution No. 7257 adopted.

\*6.1. Write-off of utility and miscellaneous accounts.

\*6.2. Consider approving the design features of the former Bank One building and related garage.

6.3. Consider the following recommendation from the Fire Committee:

- a. Recommend staff be directed to proceed with contract negotiations regarding a possible extension of the current contract with Southwest Ambulance/Rural Metro for ambulance transportation services.

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 Kavanaugh, who serves as Chairman of the Fire Committee, provided a brief overview of this agenda item.

Councilmember Hawker commented that he also serves on the Fire Committee and was the single nay vote on this issue.

It was moved by Councilmember Kavanaugh, seconded by Vice Mayor Giles, that the recommendation from the Fire Committee be approved.

Upon tabulation of votes, it showed:

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

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

\*6.4. Introduction of the following ordinances and setting October 5, 1998 as the date for the public hearing on these ordinances.

(Note: City council introduction of ordinances does not necessarily reflect City Council approval of these ordinances. Introduction of ordinances sets in motion the public posting and advertising process for ordinances so that the City Council can hear from concerned citizens at the public hearing.)

- \*a. Relating to the Transaction Privilege and Use Tax Code; grandfathering certain transactions; and providing for retroactivity.

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

- a. **Z98-52** The southeast corner of signal butte and Adobe. Rezoned from R1-43 to R1-9-PAD (53.8 acres). This case involves development of a single residence subdivision with approximately 153 lots. Roger Nelson, owner; Ralph Pew, applicant.

**CONTINUED FROM THE AUGUST 31, 1998 COUNCIL MEETING. THE APPLICANT HAS REQUESTED THAT THIS CASE BE CONTINUED TO THE OCTOBER 19, 1998 COUNCIL MEETING.**

P&Z Recommendations: Approval with conditions: (Vote 4-1, Parker nay, Brock and Kathe absent).Petrie absent).

- 1. Compliance with the basic development as described in the project narrative and as shown on the site plan, preliminary plat and elevations submitted, except as noted below.

2. Compliance with the Residential Development Guidelines.
  3. Compliance with all requirements of the Public Works Department (Engineering and Traffic engineering, etc.);
  4. Dedicate 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. Compliance with all requirements of the Subdivision Technical Review Committee;
  6. Lots in the southern third of the subdivision to be no less than 70' wide, 117' deep; and
  7. All lots north and west of the wash shall be not less than 10,000 square feet.
- b. **Z98-54** The southwest corner of Country Club and Juanita. Site Plan Modification (10.25 acres). This case involves development of a retail pad building, a drive through restaurant, a gas station and an industrial/office building. Kenneth Roth, owner; Ralph Pew, applicant. **CONTINUED FROM THE AUGUST 31, 1998 COUNCIL MEETING** – Ordinance No. 3536.

P&Z Recommendations: Approval with conditions: (Vote 4-1, Petrie nay, Kathe, Brock absent).

1. Compliance with the basic development as described in the project narrative and as shown on the site plan, preliminary plat 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. Dedicate 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;
6. Compliance with all requirements of the Subdivision Technical Review Committee;
7. Recordation of cross-access reciprocal parking easements;
8. Compliance with all requirements of the Design Review Board;
9. All buildings to be architecturally compatible; and
10. Review and approval of a Special Use Permit by the Board of Adjustment for gas pumps, car wash, and a comprehensive sign plan.

Ralph Pew, an attorney representing the applicant, provided a brief summary of the facts surrounding this case. Mr. Pew stated the opinion that the case, as presented, is compatible with the surrounding zoning and urged the Council to support the zoning request.

It was moved by Councilmember Kavanaugh, seconded by Vice Mayor Giles, that Ordinance No. 3536 be adopted.

Mr. Pew referred to stipulation number five listed above and noted that the industrial office use on the west end has not as yet been determined. Mr. Pew requested that all street improvements and perimeter landscaping be installed with the first phase, which is the retail uses and added that when the location of the retail building has been determined, the remaining landscaping will be completed.

Councilmember Hawker indicated that he would not support the motion and commented that he would prefer to have a major user occupy the site. Councilmember Hawker also recommended that the deferment on the landscaping requested by Mr. Pew on behalf of the applicant be limited to a one-year period of time.

City Attorney Neal Beets advised that the minutes will reflect the changes in the stipulation relative to landscaping requirements and time frames.

Upon tabulation of votes, it showed:

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

Mayor Brown declared the motion carried by majority vote of those present and Ordinance No. 3536 adopted.

8. Consider the following subdivision plats:

- \*a. "EASTRIDGE UNIT 1" – The 8600 block of East Guadalupe Road (south side) 85 R1-6-PAD single residence lots (29.08 ac.) Woodside Homes of Arizona, Inc., developer; Coe and Van Loo Consultants, Inc., engineer.
- \*b. "EASTRIDGE UNIT 2" – The 3000 block of south Eastridge (east side) 119 R1-6-PAD single residence lots (28.24 ac.) Woodside Homes of Arizona, Inc., developer; Coe and Van Loo Consultants, Inc., engineer.
- \*c. "EASTRIDGE UNIT 3" – The 3100 block of south Eastridge (east side) 121 R1-6-PAD single residence lots (34.48 ac.) Woodside Homes of Arizona, Inc., developer; Coe & Van Loo Consultants, Inc., engineer.
- \*d. "PARKWOOD RANCH PARCEL 12" – The 10400 block of East Coralbell Avenue (north side) 61 R1-7-DMP single residence lots (21.59 acres). Parkwood Ranch, L.L.C., developer; Carter & Burgess, Inc., engineer.
- \*e. "PARKWOOD RANCH PARCEL 13" – The 10200 block of East Coralbell Avenue (north side) 80 R1-6-DMP single residence lots (20.06 acres). Parkwood Ranch, L.L.C. developer; Carter & Burgess, Inc., engineer.
- \*f. "PARKWOOD RANCH PARCEL 14" – The 10200 block of East Broadway Road (south side) 117 R1-6-PAD-DMP single residence lots (27.29 acres). Parkwood Ranch, L.L.C., developer; Carter & burgess, Inc., engineer.
- \*g. "RIDGEVIEW PLAZA" – The 2800 and 2900 blocks of North Power Road (west side) 4 C-2-DMP commercial lots (17.46 acres) Carlton Square Associates Property Limited Partnership, developer; O'Neill Engineering, Inc., engineer.

9. Adjournment.

It was moved by Councilmember Jaffa, seconded by Councilmember Kavanaugh, that the Regular Council Meeting adjourn at 7:01.

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 22nd day of September 1998. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this \_\_\_\_ day of \_\_\_\_\_ 1998

\_\_\_\_\_  
BARBARA JONES, CITY CLERK