

# COUNCIL MINUTES

September 15, 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 September 15, 1997 at 5:45 p.m.

## COUNCIL PRESENT

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

## COUNCIL ABSENT

Joan Payne  
  
POLICE OFFICER  
PRESENT  
  
Scott Martin

## OFFICERS PRESENT

C.K. Luster  
Neal Beets  
Barbara Jones

The Invocation was given by Pastor David Wold, Our Savior's Lutheran Church.

The Pledge of Allegiance was led by Joey Milazzo and Adam Smith, Cub Scout Pack 555.

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

It was moved by Councilmember Pomeroy, seconded by Councilmember Giles, that the minutes of September 2 and 4, 1997, be approved.

Upon tabulation of votes, it showed:

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

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 Giles, seconded by Councilmember Pomeroy, that the Consent Agenda be approved.

Upon tabulation of votes, it showed:

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

Mayor Brown declared the motion carried unanimously by those present.

3. Consider the following liquor license applications.

\*a. ROBIN VICTORIA MUSMACKER, INDIVIDUAL

Person and location transfer beer and wine bar license for Fabulous Fifty's, 2655 West Guadalupe Road, #17. This transfer is from Robert C. Norton, Jr., Individual, Sideburns, 501 North Arizona Avenue, Chandler, to Robin Victoria Musmacker, Individual, Fabulous Fifty's, 2655 West Guadalupe Road, #17, Mesa.

\*b. YOLANDA BUSH, INDIVIDUAL

ew beer and wine store license for #One Mini Mart, 735 East McKellips Road. The license previously held at this location by Amir Younan, Individual, #One Mini Mart, will revert back to the State.

\*c. CLARE H. ABEL, AGENT

ew restaurant license for On the Border Mexican Cafe, 1710 South Power Road. This is a new business, no previous liquor licenses at this location.

\* d. JORGE S. SOTO, CHAIRMAN

pecial event license application of Jorge S. Soto, Chairman, for Queen of Peace, a one-day religious event to be held Saturday, September 27, 1997 from 7 p.m. to 12 Midnight, at 141 North Macdonald Street, Queen of Peace Church.

\*e. CAROL JEAN FAJARDO, STEWARDSHIP COORDINATOR

Special event license application of Carol Jean Fajardo, Stewardship Coordinator, for Christ the King Festival Committee, a three-day religious event to be held Friday, October 3, 1997 from 6 p.m. to 10 p.m., Saturday, October 4, 1997 from 11 a.m. to 10 p.m., and Sunday, October 5, 1997 from 11 a.m. to 9 p.m., at 1551 East Dana Avenue, Christ the King Catholic Church.

\*f. RICHARD SNYDER, JR., PRESIDENT

Special event license application of Richard Snyder, Jr., President, for The 44 Fund, a one-day charitable event to be held Tuesday, September 16, 1997 from 12 Noon to 8 p.m., at 7555 Eagle Crest Drive, Las Sendas Golf Club.

4. Consider the following contracts.

- a. One-year renewal of the annual supply contract for automotive oils & greases as requested by Fleet Support Services. This is a consolidated cooperative bid with Mesa Schools.

The Purchasing Division recommends exercising the only one-year renewal option with the original lowest overall bid by Brown Evans Distributing for annual purchases estimated at \$70,000.00 based on estimated requirements.

Mayor Brown 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. Mayor Brown yielded the gavel to Vice Mayor Gilbert for action on this agenda item.

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

Upon tabulation of votes, it showed:

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

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

With discussion on this item being completed, Vice Mayor Gilbert yielded the gavel to Mayor Brown.

- \*b. One-year renewal of the annual supply contract for automotive/truck parts requested by Fleet Support Services Division.

The Purchasing Division recommends exercising the first of two one-year renewal options with the original lowest overall bid by B & K Supply for annual purchases estimated at \$75,000.00 based on estimated requirements.

- \*c. One-year renewal of the annual supply contract for 15,000 gallons of sodium hypochlorite to be used for odor control at the waste water reclamation plants as requested by the Utilities Department.

The Purchasing Division recommends exercising the only one-year renewal option with the original low bid by Hill Brothers Chemical Company at \$10,500.00 plus 7.05% sales tax of \$740.25 for a total of \$11,240.25 based on estimated requirements.

- \*d. Annual supply contract for Class 200 gas meters for warehouse inventory as requested by the Utility Services Division. These gas meters are used for single family residential accounts.

The Purchasing Division recommends accepting the low bid by National Meter, Inc. at \$136,500.00 plus 5% use tax of \$6,825.00 for a total award of \$143,325.00 based on estimated requirements.

- \*e. Optically controlled emergency vehicle traffic control system for 36 intersections to be used by the Fire Department as requested by Transportation.

The Purchasing Division recommends authorizing an additional purchase option from our previous RFB #96109, Items 1, 2, 3, 4, 5, 8, and 9 from ITS Sales for \$129,150.00 plus 7.05% sales tax of \$9,105.07 for a total of \$138,255.07; and Item 7 to Econolite Control Products at \$1,100.00 plus 5% use tax of \$55.00 for a total of \$1,155.00. The combined award is then \$139,410.07.

- \*f. Annual supply contract for helicopter engine parts and repair as requested by the Police Department.

The Purchasing Division recommends accepting the low bid by UNC Airwork Corp. for annual purchases estimated at \$250,000.00.

- \*g. Annual supply contract for helicopter airframe (rotor) parts and repairs as requested by the Police Department.

The Purchasing Division recommends accepting the low bid by Flight Trails Helicopters, Inc. for annual purchases estimated at \$250,000.00.

- \*h. Pad mounted transformers for warehouse inventory to be used for various projects by the Electric Utility Department.

The Purchasing Division recommends authorizing an additional purchase option from our previous RFB #96116; awarding to the original lowest bids meeting specification based on lifetime evaluated cost as follows:

Items 1 and 2 to Young Power Equipment at \$9,283.00 plus 7.15% sales tax of \$663.73 for a total of \$9,946.73;

Items 4 and 5 to Armstrong Sales & Associates at \$36,195.00 plus 7.05% sales tax of \$2,551.75 for a total of \$38,746.75; and

Item 6 to Border States at \$10,106.00 plus 7.05% sales tax of \$712.47 for a total of \$10,818.47.

The combined award is then \$59,511.95.

- \*i. Pad mounted transformers for warehouse inventory to be used for various projects by the Electric Utility Department.

The Purchasing Division recommends authorizing an additional purchase option from our previous RFB #96023; awarding to the original lowest bids meeting specification based on lifetime evaluated cost as follows:

Items 2, 5, 8, 13, 14 and 15 to Armstrong Sales & Associates at \$35,406.00 plus 7.05% sales tax of \$2,496.12 for a total of \$37,902.12; and

Items 4, 9, 10 and 11 to Border States at \$28,786.00 plus 7.05% sales tax of \$2,029.41 for a total of \$30,815.41.

The combined award is then \$68,717.53.

- \*j. Eight replacement one-ton trucks for various City departments.

The Purchasing Department recommends authorizing purchase from the State of Arizona contract with Lou Grubb Ford for \$165,591.28 including applicable sales tax and an extended warranty for each vehicle.

- \*k. Mesa Council Chambers Remodel.

This project involves remodeling the existing Council Chambers Building located at 57 East First Street.

Recommend award to low bidder Builders Guild, Inc., in the amount of \$241,232.00.

- \*l. Transportation Storage Building at the East Mesa Service Center.

This project involves constructing a new storage building at the East Mesa Service Center which is located east of Power Road and south of Adobe Road.

Recommend award to low bidder R.K. Sanders, in the amount of \$174,000.00.

5. Introduction of the following ordinances and setting October 6, 1997 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. Establishing a business license for the operation of recovery homes and supervised living facilities.

6. Consider the following resolutions.

- a. Extinguishing a portion of a public utility easement at 1520 East Elmwood.

This easement is not being used and is no longer necessary. **CONTINUED FROM THE AUGUST 4, 1997 AND AUGUST 25, 1997 COUNCIL MEETINGS.**

Gordon Hall, 1520 East Elmwood Circle, requested that Council approve his request for extinguishment of a public utility easement. Mr. Hall spoke regarding the condition of the alley prior to the project and indicated that several neighbors are supportive of the project. Mr. Hall stated that he would fund future repairs of the existing irrigation line or reroute the line if requested.

Gil Silva, 939 North Barkley, spoke in opposition to the proposed request. Mr. Silva discussed a T-high wall which was constructed on a public utility easement and noted that telephone lines had been buried. Mr. Silva described a steel structure which was built on the property by the applicant and expressed liability concerns relative to this structure.

Diane Christensen, 917 North Barkley, requested that Council deny the request for extinguishment of an easement. Ms. Christensen informed Council that the easement contains a private irrigation system utilized by 10 families and noted concern relative to the cost of future repairs if the applicant is granted permission to build in the easement and cover the irrigation lines.

Pamela Andrews, 909 North Barkley, expressed opposition to the request and cited Arizona State law relative to irrigation violations. Ms. Andrews questioned whether individuals should be allowed to subject their neighbors to potential expenses without the approval of the neighbors.

Scott Andrews, 909 North Barkley, spoke relative to the importance of following regulations and stated the opinion that if approved the case would set an adverse precedence.

Christi VanKirk, 1511 East Fairfield, informed Council that her home is located directly behind Mr. Hall's property and stated concern for her family's privacy. Ms. VanKirk explained that the steel structure can be seen from inside her home and noted that individuals standing on top of the structure are able to look directly into her backyard and children's bedrooms.

David Rubenstein., 1501 East Fairfield, stressed the importance of justice, fairness and quality of regulations. Mr. Rubenstein expressed the opinion that if the applicant's request is approved, a message will be sent to Mesa residents that due process of law need not be considered in the building process.

It was moved by Vice Mayor Gilbert, seconded by Councilmember Kavanaugh, that the proposed resolution, pertaining to extinguishing a portion of a public utility easement at 1520 East Elmwood, be denied.

Vice Mayor Gilbert spoke relative to the applicant's acquisition of the property and added that the applicant initiated construction on the property without obtaining proper permission or permits. Vice Mayor Gilbert noted the importance of abiding by the laws and stated the opinion that an inappropriate precedence would be set if the applicant's case was approved.

Upon tabulation of votes, it showed:

AYES- Brown- Gilbert-Giles-Kavanaugh-Pomeroy-Stapley

NAYS- None

ABSENT- Payne

Mayor Brown declared the motion carried unanimously by those present.

\*b. Authorizing the sale of \$19M of street and highway revenue bonds under an accelerated bidding process at the lowest net interest cost to the City of Mesa Resolution No. 7092.

- c. Approving the execution of an Intergovernmental Agreement with the State of Arizona relating to the acceleration of the right-of-way acquisition, roadway design and construction of State Route 202L, Red Mountain Freeway between Country Club Drive and Gilbert Road; authorizing the taking of all other actions necessary to the consummation of the transactions contemplated by this resolution; and declaring an emergency - Resolution No. 7093.
- d. Approving redevelopment agreements with four businesses in Site 16 – Resolution No. 7101.

Redevelopment Director Greg Marek provided an overview relative to the retention and expansion of four businesses located between Robson Street, 2nd Avenue, Macdonald Street, and 1st Street (Cox Communications, Hogue Printing, Scott Blueprint, and Spencer's Air Conditioning & Appliance). Mr. Marek indicated that redevelopment agreements for Site 16 have been developed and added that staff is requesting approval of the agreements.

Bill Brando, 61 South Macdonald, provided Council with a written request for City of Mesa assistance for his business, Mesa Art & Printing. Mr. Brando stated that the City's previous redevelopment efforts have benefitted large businesses and penalized smaller businesses such as Mesa Art & Printing. Mr. Brando requested that Council table Item 6d to provide time to review his request for assistance.

Jan Hibbard, 4811 East Julep, noted opposition to City assistance in the redevelopment of Site 16 and discussed government operations, eminent domain, and assistance provided to multimillion dollar companies in Mesa.

Mary Simmons, 6542 East Fairbrook, Secretary of the Valley Business Owners and Concerned Citizens, spoke in opposition to the City's use of eminent domain. Ms. Simmons reflected on previous requests for assistance from Cox Communications, Hogue Printing, Scott Blueprint, and Spencer's Air-Conditioning & Appliance and expressed the opinion that the City has set a precedence by providing assistance to large companies.

Kat Gallant, 1620 West University Drive, spoke in opposition to the proposed assistance and questioned Council's past actions relative to redevelopment issues.

Luule Brando, 61 South Macdonald, expressed the opinion that providing financial assistance to Cox Communications, Hogue Printing, Scott Blueprint, and Spencer's Air-Conditioning & Appliance will create an economic disadvantage for smaller businesses in the area which are attempting to compete. Ms. Brando spoke relative to the declining condition of her business' storefront and noted the importance of providing assistance to small business owners.

Councilmember Kavanaugh stated support for the proposed redevelopment agreement and noted the long-term economic benefits that will be gained as a result of this venture.

It was moved by Councilmember Kavanaugh, seconded by Vice Mayor Gilbert, that Resolution No. 7101 be adopted.

In response to a request from Mayor Brown, City Attorney Neal Beets explained that the redevelopment request presented to Council by Mr. Brando is not included on the agenda and cannot be considered at this time.

Mayor Brown suggested that Mr. Brando contact the City's Redevelopment staff regarding his request for assistance.

Upon tabulation of votes, it showed:

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

Mayor Brown declared the motion carried unanimously by those present and Resolution No. 7101 adopted.

- \*e. Approving and authorizing the City Manager to execute an Intergovernmental Agreement between the State of Arizona Department of Transportation and the City of Mesa for roadway improvements to Stapley Drive from the Superstition Freeway (US-60) to Baseline Road - Resolution No. 7094.
- \*f. Approving and authorizing the City Manager to execute an Intergovernmental Agreement between the State of Arizona Department of Transportation and the City of Mesa for ADA sidewalk and ramp modifications along bus routes at various locations - Resolution No. 7095.
- \*g. Approving and authorizing the City Manager to execute an Intergovernmental Agreement between the State of Arizona Department of Transportation and the City of Mesa for the widening of Country Club Drive (SR-87) at the Red Mountain Freeway - Resolution No. 7096.
- \*h. Authorizing acquisition of property to be used for recharging into the aquifer reclaimed water from the new South Reclamation Plant - Resolution No. 7097.
- \*i. Extinguishing a Public Utilities and Facilities Easement at Emerson Elementary School, 940 West University Drive - Resolution No. 7098.

This easement is not used and is in conflict with the proposed construction of a multipurpose school building.

- \*j. Extinguishing portions of existing Public Utilities and Facilities Easements for lots 40, 47, 48 and 55, Quail Vista Village Amended, and ratifying a Certificate of Correction for those lots - Resolution No. 7099.

Portions of the Public Utilities and Facilities Easements are not being used and are in conflict with the developers plans for construction.

6.1. Consider the following recommendations from the Utility Committee.

- \*a. Recommend that the agreement between Boeing Realty Corporation and the City of Mesa for indirect recharge and subsequent delivery of stored water be approved.
- \*b. Recommend that the agreement between the Roosevelt Water Conservation District and the City of Mesa for acquisition of land for a buffer for the Val Vista Water Treatment Plant be approved - Resolution No. 7100.

7. Consider the following ordinances.

- \*a. Prohibiting parking on the east side of 72nd Street from a point 125 feet north of Halifax Street to a point 1,425 feet north of Halifax Street, and on the west side from a point 275 feet north of Halifax Street to a point 1,200 feet north of Halifax Street; removing the parking prohibition on the east side of Hobson from Third Place to a point 190 feet south of Third Place, and on the south side of Third Place from Hobson to a point 50 feet east of Hobson; reducing the speed limit from 30 mph to 25 mph on 26th Street from McDowell Road to Hermosa Vista Drive; establishing a speed limit of 35 mph on 80th Street from Elliot Road to Paloma Avenue; and designating 96th Street as a through street from Baseline Road to Idaho Avenue; as recommended by the Traffic Safety Committee - Ordinance No. 3389.
- \*b. Relating to the Historic Preservation Committee and repealing Section 10 of Ordinance #3373 - Ordinance No. 3390.
- \*c. Relating to the Mesa Judicial Advisory Board; amending Section 2-3-8 of the Mesa City Code and declaring an emergency. **CONTINUED FROM THE SEPTEMBER 2, 1997 COUNCIL MEETING** - Ordinance No. 3391.

\*8. Consider the proposed Request for Proposal for the redevelopment of 29 West Main Street (Site 19).

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

- \*a. **Z97-66** The 2000 and 2100 blocks of South Superstition Springs Blvd. (west side). Rezone from C-2-DMP to R-2-PAD-DMP (15± acres). This case involves the development of patio homes. Suggs Homes, owner/applicant. **CONTINUED FROM THE AUGUST 25, 1997 COUNCIL MEETING** - Ordinance No. 3392.

P&Z Recommendation: Approval with conditions (Vote 6-0; Brock absent).

1. Compliance with the basic development as described in the project narrative and 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. 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;
4. Compliance with all requirements of the Subdivision Technical Review Committee;
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);
6. Written notice be provided to future residents, and acknowledgment received that the project is within four miles of Williams Gateway Airport;
7. Noise attenuation measures be incorporated into the design and construction of the homes to achieve a noise level reduction of 25 db; and
8. Provide a shaded tot lot in compliance with applicants' letter dated July 10, 1997.

- b. **Z97-74** 8865 East Baseline Road. Modification of -an approved PAD (80± acres). This case involves a modification to approved setbacks and zoning conditions for "Monte Vista." Homefree Village Resorts, owner; W. Ralph Pew, applicant. **CONTINUED FROM THE AUGUST 25, 1997 COUNCIL MEETING** - Ordinance No. 3393.

P&Z Recommendation: Approval with conditions (Vote 6-0; Brock absent).

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; and
3. Compliance with the project narrative.

Michael Griffith, 8865 East Baseline, referred to a letter of concern signed by 257 residents of Monte Vista. Mr. Griffith indicated that 1300 residents are winter residents and will not return to the Valley until later this year. Mr. Griffith requested that Council continue this case until December 15, 1997 to provide sufficient time for the return of winter residents.

Sean Lake, 40 North Center, representing the applicant, informed Council that a notice was mailed to approximately 1600 residents of the park regarding the applicant's plans and intentions. Mr. Lake noted that the case was previously continued and stated that another continuation would not provide the applicant sufficient time to construct models on the property for the upcoming winter season and would result in a one-year delay.

Councilmember Pomeroy expressed the opinion that the request for an additional delay should be denied.

It was moved by Councilmember Pomeroy, seconded by Councilmember Stapley, that Ordinance No. 3393, governing Zoning Case Z97-74, be approved.

Councilmember Kavanaugh stated support for the merits of the project but noted that due to the fact that a majority of Monte Vista's residents are currently out of state, he would not support the motion.

Mayor Brown acknowledged Mr. Griffith's concerns but indicated that he will support the motion.

Upon tabulation of votes, it showed:

AYES - Brown-Gilbert-Giles-Pomeroy-Stapley  
NAYS - Kavanaugh  
ABSENT - Payne

Mayor Brown declared the motion carried by majority vote of those present and Ordinance No. 3393 adopted.

10. Consider the following subdivision plats.

- \*a. "PAINTED MOUNTAIN GOLF VILLAS CONDOMINIUM" - The 6200 and 6300 blocks of East McKellips Road (north side) 112 R-4-PAD condominium units (14.12 acres). Painted Mountain Golf Villas I, L.L.C., developer; D.N.A. Inc., engineer.

- \*b. "BOULDER MOUNTAIN HIGHLANDS UNIT II" - The 2400 block of North Ellsworth Road (east side) 101 R1-15-PAD single-residence lots (45.11 acres). Pulte Home Corporation, developer; AGRA Infrastructure, engineer.
- \*c. "THE ESTATES AT BOULDER MOUNTAIN HIGHLANDS UNIT I" The 2700 block of North Ellsworth Road (east side) 32 R1-15-PAD single-residence lots (51.18 acres). Pulte Home Corporation, developer; AGRA Infrastructure, engineer.
- \*d. "VALENCIA GROVES" - The 4400 through 5000 block of East Adobe Street (south side) 32 R1-15-PAD & 139 R1-9-PAD single-residence lots (69.04 acres). Stardust Development, Inc., developer; AGRA Infrastructure, Inc., engineer.

11. Adjournment.

It was moved by Councilmember Stapley, seconded by Councilmember Pomeroy, that the Regular Council Meeting adjourn at 6:49 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 15th day of September 1997. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 9th day of October 1997

BARBARA JONES, CITY CLERK