

# COUNCIL MINUTES

February 3, 1997

The City Council of the City of Mesa met in a Regular Council Meeting in the Council Chambers, 57 East 1st Street, on February 3, 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

Robert Nesbit

## OFFICERS PRESENT

C.K. Luster  
Neal Beets  
Barbara Jones

The Invocation was given by Reverend Joe Myers, Trinity Baptist Church.

The Pledge of Allegiance was led by Kyle Kokaliares, Troop No. 547.

Recognition of the Mountain View Toros football team and coaches, winner of the 5A State Football Championship.

Mayor Brown congratulated the members of the Mountain View Toros football team and their coaches on winning the December 13, 1996 State Football Championship. Mayor Brown presented the team with a plaque commemorating their accomplishment and noted that during the 1997 season the Toros participated in 14 undefeated games. Team coaches Don Kramer and Bernie Busken expressed appreciation to Mayor Brown and the City of Mesa for the plaque and team recognition.

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

It was moved by Councilmember Giles, seconded by Councilmember Stapley, that minutes of January 17, 21, and 24, 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. Conduct a public hearing for the following proposed annexation:

- a. The 400 through 1500 blocks of North Ellsworth Road - west side (706± acres). This proposed annexation involves several single residence subdivisions and other residential areas in addition to vacant properties with pending residential developments. Initiated by City staff. (A96-2.)

Mayor Brown announced that this is the time and place for a public hearing regarding the proposed annexation.

Kirby Allan read excerpts of a letter he authored which was printed in the East Mesa Independent newspaper expressing his opinion that the City of Mesa plans to initiate a secondary City-wide property tax. Mr. Allan also encouraged the citizens of East Mesa to secede from the City.

Bill Brando, 61 South Macdonald, stated the opinion that previous annexations have negatively impacted the City of Mesa and discussed resulting increases in pollution and traffic.

In response to a request from Mayor Brown, Community Development Manager Wayne Balmer reported that the request for annexation was received from five property owners who intend to develop their properties. Mr. Balmer briefly discussed City services which will be provided, requirements for annexation, and the results of a poll which was conducted to gauge the adjacent residents' views on the proposed annexation in the area.

There being no additional citizens present wishing to speak on this issue, the Mayor declared the public hearing closed.

4. Consider the following liquor license applications:

- \*a. BILL MORTON, ADMINISTRATOR

Special Event License application of Bill Morton, Administrator, for Confederate Air Force-Arizona Wing, a one-day civic event to be held Saturday, March 15, 1997, from 6:00 p.m. to 12:00 Midnight, at 2017 N. Greenfield Road, Falcon Field Airport.

\*b. JOSEPH SPADARO, PROGRAM DIRECTOR

Special Event License application of Joseph Spadaro, Program Director, for St. Bridget's Knights of Columbus, a one-day Fraternal event to be held Friday, February 28, 1997 from 6:00 p.m. to 12:00 midnight, at 2213 N. Lindsay Road, St. Bridget's Church.

\*c. MICHAEL J. BASRA, AGENT

Person transfer Liquor Store License for Megafoods, 1251 E. Southern Avenue. This transfer is from Fred Ries, Agent, Megafoods Stores, Inc. to Michael J. Basha, Agent, Bashas' Inc.

\*d. FRANK T. RICH, AGENT

Person and Location transfer Liquor Store License for Safeway Food and Drug #1567, 2740 E. University Drive. This transfer is from Mark A. Newman, Agent, Liquor Barn Arizona, Inc., 930 E. Broadway Road, Tempe to Frank T. Rich, Agent, Safeway Inc., 2740 E. University Drive, Mesa.

e. ASVIN J. BHANVADIA, AGENT

New Beer and Wine Store License for Arco AM/PM, 2751 E. University Drive. The license previously held at this location by Annie Diaz, Agent, Ed's AM/PM, will revert back to the State.

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.

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

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.

\*f. JACINTO VALLE, INDIVIDUAL

New Restaurant License for Mariscos Chihuahua, 2311 W. Broadway Road. The license previously held at this location by Ho N. To, Individual, The Shanty East Coast Seafood, will revert back to the State.

5. Consider the following contracts:

- \*a. One-year renewal of the annual supply contract for traffic paint as requested by the Transportation Division.

The Purchasing Division recommends exercising the second and final one-year renewal option with the original low bidder, Pervo Paint Company at \$109,006.20 plus 5% use tax of \$5,450.31 for a total award of \$114,456.51 based on estimated requirements.

- \*b. One-year renewal of the annual supply contract for household paint and related sundry supplies. This contract is used by several City departments including Building Maintenance, Parks Maintenance, Solid Waste and Street Maintenance.

The Purchasing Division recommends exercising the first of two one-year renewal options with the original lowest overall bidder (based on the scoring process used), by Frazee Industries, Inc. for annual purchases estimated at \$50,000.00.

- \*c. One atmospheric cyanoacrylate system as requested by the Police Department. This system is used to process fingerprint evidence.

The Purchasing Division recommends accepting the only bid by Payton Scientific Inc. at \$15,050.00 plus 5% use tax of \$752.50 for a total of \$15,802.50.

- \*d. One replacement tractor skid-steer loader as requested by the Solid Waste Collection Services Division.

The Purchasing Division recommends accepting the low bid by ACM Equipment Rentals & Sales at \$17,837.00 plus 7.05% sales tax of \$1,257.51 plus the additional year extended warranty of \$500.00 for a grand total of \$19,594.51.

- \*e. One replacement air compressor as requested by the Parks Maintenance Division.

The Purchasing Division recommends accepting the low bid to Ingersoll-Rand Equipment Sales at \$12,208.00 plus 7.05% sales tax of \$860.66 for a total of \$13,068.66.

- \*f. Helicopter repair parts as requested by the Police Department.

The Purchasing Division recommends accepting the lowest overall bidder by Seaside Helicopters, Inc. on purchases to be made over a 6 month contract. The bid specification provided that a consolidated award would be made (to the lowest overall bidder). Total 6 month purchases are estimated, but will not exceed \$50,000.00.

- \*g. 66 modular workstations for the fourth floor of the Mesa City Plaza building as requested by the Public Works Department. This space will be used by Management Services, Fire Medical Services, and Information Services.

Council is requested to authorize purchase from the State of Arizona contract with Goodman's Inc. for a total of \$219,153.59 including materials, design services, delivery, installation and applicable sales tax.

- \*h. Seven replacement refuse trucks as requested by the Solid Waste Division

The Purchasing Division recommends accepting the following bids:

Arizona Great Basin Trucks for items 1, 3, 4, and 5 at \$1,019,845.01 including applicable sales tax and extended warranties on the engines and transmissions;

Norwood Equipment for item 7 at \$25,520.00 (labor only, non-taxable); and

To reject all bids for items 2 and 6 since none met specification. The combined award is then \$1,045,365.01.

- \*I. Dobson Ranch Golf Course Fence Replacement, Phase IV.

This project will remove existing wrought iron fence and install masonry block and wrought iron fence at the Dobson Ranch Golf Course east of South Rodgers, and south of Pennington.

Recommend award to low bidder, AF Contracting Services, in the amount of \$73,698.30.

5.1. Consider rescinding the award for Computer Aided Dispatching System to PSI International.

The City Council is requested to rescind, for City of Mesa convenience, the May 20, 1996 award of \$3,987,255.40 to PSI International (PSI) for their portion of a Computer Aided Dispatch (CAD) System and to adjust the May 20, 1996 Council award to Trimble, increasing their award from \$527,231.25 to \$690,375.97. Finally, Council is requested to authorize staff to obtain a sole source bid from Intergraph Public Safety for the remainder of the CAD System.

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

Carried unanimously.

6. Introduction of the following ordinances and setting February 18, 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. **Z96-114** The southwest corner of Country Club Drive and Kiowa Avenue. Site Plan Review (22± acres). This case involves the development of a car dealership.

Mayor Brown indicated that he has 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 and left the Council Chambers during discussion of this matter.

Vice Mayor Gilbert noted that several citizens have submitted requests to address the Council relative to this issue. Vice Mayor Gilbert explained that although the Charter requires the Council to introduce ordinances, public input is usually not accepted at the time of ordinance introduction. Vice Mayor Gilbert added that in view of the large amount of interest this case has generated, he will allow citizen input and requested that the speakers' remarks remain brief.

Dale Bieganski, 453 West Madero, informed the Council that he is a homeowner in the neighborhood currently under discussion. Mr. Bieganski spoke in strong opposition to the approval of this case and asked that the Council deny the applicant's request for the plan to be sent back to the Planning & Zoning Board for additional review and consideration.

Lucas Narducci, 663 West Meseto, concurred with the previous speaker's remarks and stated the opinion that although the proposed development may constitute a permitted use, it is not a compatible use for the neighborhood.

Carlene Dickson, 2439 South Date, expressed the opinion that the applicant's proposal contains a number of discrepancies and requested that the Council address the neighborhood's concerns and deny the applicant's request to send the case back to the Planning and Zoning Board. Ms. Dickson added that the case should be denied by the Council.

William Richardson, 1201 South Alma School Road, #8000, a homeowner in an adjacent subdivision and member of the citizens' committee opposed to the zoning request, spoke in opposition to the case. Mr. Richardson informed the Council that two legal protests relative to this case, containing the signatures of 80% of the owners in the affected area, will be filed with the City. Mr. Richardson urged the Council to address the concerns of the citizens and deny the applicant's request.

Gordon Gruina, 565 West Laguna Azul, expressed the opinion that the proposed site for the project is inappropriate and that the Council should deny the applicant's request.

Mary Ellen Millard, 638 West Madero, a resident of the Ranch Del Mar subdivision, expressed the opinion that the proposed development will result in increases in traffic congestion, noise, and crime and added that property values will also decrease.

Donald Leathum, 530 West Madero, questioned whether the applicant's request to return the case to the Planning and Zoning Board is procedurally and legally correct and requested that the Council consider the original site plan and ignore the revised proposal.

Kirby Allan spoke in opposition to the approval of this case and stated the opinion that the location is inappropriate for the proposed use.

Scott Rand, 459 West Madero, informed the Council that City well No. 22 is located in close proximity to the proposed site and questioned whether the development would contaminate the well's water supply.

Vice Mayor Gilbert thanked the speakers for their brief comments relative to this issue.

Councilmember Stapley stated that significant changes in plans usually result in referring the case back to the Planning and Zoning Board for additional consideration and review. Councilmember Stapley expressed the opinion that the members of the Board should be provided an opportunity to review the changes and offer recommendations to the Council.

Councilmember Giles stressed the importance of adhering to established procedures relative to this case and concurred with Councilmember Stapley's recommendation that the case be reheard by the Planning and Zoning Board.

It was moved by Councilmember Giles, seconded by Councilmember Stapley, that Option B submitted by the applicant be referred back to the Planning and Zoning Board for consideration at the Board's February 20, 1997 meeting.

Councilmember Payne indicated her opposition to the motion and stated the opinion that the submission of the revised site plan, Option B, represents an attempt on the part of the applicant to circumvent the super majority vote. Councilmember Payne spoke in opposition to referring the case back to the Planning and Zoning Board and expressed the opinion that the revised plan contains minimal revisions and will not address the concerns of the residents in the area.

Councilmember Kavanaugh also stated the opinion that the revised site plan is not significantly different from the original proposal and added that he would not support referring the case back to the Planning and Zoning Board for additional consideration.

Vice Mayor Gilbert stressed the importance of balancing conflicting points of view and allowing everyone involved the opportunity to present their case. Vice Mayor Gilbert stated the opinion that the applicant's revised plan should be referred back to the Planning and Zoning Board for review and consideration.

Upon tabulation of votes, it showed:

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

Vice Mayor Gilbert declared the motion carried by majority vote of those voting on this issue.

(Vice Mayor Gilbert declared a recess at 6:45 p.m. and the meeting resumed at 6:50 p.m. With action the previous agenda item being completed, Vice Mayor Gilbert yielded the gavel to Mayor Brown.)

- \*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.
- \*c. **Z97-2** The northwest corner of McKellips and Recker Road. Site Plan Review (4± acres). This case involves the development of five pad buildings.
- 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.

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.

It was moved by Vice Mayor Gilbert, seconded by Councilmember Stapley, that an ordinance relative to Z97-3 be introduced.

Upon tabulation of votes, it showed:

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

Mayor Brown declared the motion carried by majority vote of those voting on the issue.

- \*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.
- \*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 a 875± lot mobile home park.
- \*g. Prohibiting parking from 7:00 a.m. to 4:00 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) as recommended by the Traffic Safety Committee.

7. Consider the following resolutions:

- \*a. Vacating an alley right-of-way west of Hunt Drive and north of University Drive. Neighborhood residents have requested the alley be abandoned - Resolution No. 6987.
- \*b. Granting an electric easement to Salt River project in Meadowvale Retention Basin. Easement is necessary to replace deteriorated underground electric cables – Resolution No. 6988.
- \*c. Vacating a portion of Ashland Street south of McKellips Road. Property being developed and this portion of Ashland Street is no longer needed - Resolution No. 6989.
- \*d. Authorizing the City Manager to execute an agreement between the City of Phoenix and the City of Mesa for operating and capital assistance under Federal Transit Administration project AZ-90-X042 - Resolution No. 6990.
- \*e. Authorizing the City Manager to execute an Intergovernmental Agreement with Pima County providing for the Pima County Sheriff's Office to reimburse the Mesa Police Department for certain overtime pay - Resolution No. 6991.

8. Consider the following recommendations from the Transportation Committee:

- a. Installing speed humps in several locations on a trial basis.

In response to a request from Vice Mayor Gilbert, who serves as Chairman of the Transportation Committee, Traffic and Streets Director Ron Krosting briefly discussed a speed hump policy developed by staff and approved by the Traffic Safety and Transportation Committees on an interim basis. Mr. Krosting reported that speed hump programs have proven successful in other cities and noted that reductions in speed of five to eight miles-per-hour have been reported.

Craig Anderson, 3449 East Hampton, spoke in favor of installing speed humps in various locations throughout the City and stated the opinion that the humps would serve as a reminder to traffic to proceed with caution.

It was moved by Vice Mayor Gilbert, seconded by Councilmember Giles, that the recommendation of staff be approved.

Carried unanimously.

- b. Installing a three-way stop sign at the intersection of Lockwood and Harris.

Traffic and Streets Director Ron Krosting briefly discussed a proposal to install a three-way stop sign at the intersection of Lockwood and Harris Streets and noted that staff's recommendation was not to proceed with the installation of the sign. Mr. Krosting discussed staff's opinion that stop signs are ineffective in controlling speeds.

Carl Shoemaker, 1429 East Leland, the father of a child who was recently involved in a fatal traffic accident, spoke in favor of installing the three-way stop sign and stated the opinion that any effort to decrease speeds and promote traffic safety is worthwhile and should be implemented. Mr. Shoemaker also discussed his previous request to the City to widen a section of Harris Street.

Mori Farmer, 1559 East Bates, discussed previous efforts to erect a stop sign at this location and to reduce speeds and heighten traffic safety awareness in her neighborhood. Ms. Farmer stated the opinion that everyone in the neighborhood should set an example for their children by not driving their vehicles over 25 miles-per-hour. Ms. Farmer stated the opinion that the speed hump would be worthwhile if it helped to avoid even one traffic accident in the neighborhood.

Liz Lenke, 1554 East Lynwood, informed the Council that she has repeatedly requested assistance from the City relative to improving traffic safety in the neighborhood and requested that the Council approve the installation of the speed humps.

Mary Kay Myers, 1605 East Lockwood, stated that she opposes the installation of a three-way stop sign on the corner of Lockwood and Harris Streets and stated the opinion that residents in the neighborhood should set an example and adhere to speed regulations which are in effect.

Mayor Brown thanked the speakers for their input.

Vice Mayor Gilbert commented that although he usually supports the recommendations of staff and the Traffic Safety Committee, the installation of a three-way-stop sign, in his opinion, is a worthwhile measure.

Discussion ensued among the members of the Council relative to this issue.

It was moved by Vice Mayor Gilbert, seconded by Councilmember Payne, that the installation of a three-way-stop sign at the intersection of Lockwood and Harris Streets be approved.

Carried unanimously.

9. Adjournment.

It was moved by Councilmember Stapley, seconded by Councilmember Pomeroy, that the Regular Council Meeting adjourn at 7:25 p.m..

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 3rd day of February, 1997. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 25<sup>th</sup> day of February, 1997

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BARBARA JONES, CITY CLERK