

COUNCIL MINUTES

November 20, 2000

The City Council of the City of Mesa met in a Regular Council Meeting in the lower level meeting room of the Council Chambers, 57 East 1st Street, on November 20, 2000, at 5:45 p.m.

COUNCIL PRESENT

Mayor Keno Hawker
Jim Davidson
Dennis Kavanaugh
Pat Pomeroy
Claudia Walters
Mike Whalen

COUNCIL ABSENT

Bill Jaffa

OFFICERS PRESENT

Mike Hutchinson
Neal Beets
Barbara Jones

Mayor Hawker excused Councilmember Jaffa from the beginning of the meeting. Councilmember Jaffa joined the meeting at 6:55 p.m.

Invocation by Nathan A. Miller, Desert Heritage Church.

Pledge of Allegiance was led by Ted Brimley, Troop #452.

1. Approval of minutes of previous meetings as written.

It was moved by Vice Mayor Davidson, seconded by Councilmember Kavanaugh, that the minutes of the November 2, 6, and 7, 2000 meeting be approved.

Mayor Hawker declared the motion 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 Vice Mayor Davidson, seconded by Councilmember Kavanaugh, that the consent agenda items be approved.

Mayor Hawker declared the motion carried unanimously by those present.

3. Consider the following liquor license applications.

*a. MAHMOUD H. MAJED, AGENT

New Beer and Wine Store License for Hamadeh Mart, Inc., 808 E. McKellips Rd. This is an existing business. The Beer and Wine Store License previously held at this location by Troy J. Lane, Agent, Chevron, will revert back to the State.

4. Consider the following contracts:

*a. Network Hardware to support the Customer Information System (CIS), as requested by Information Services.

The Purchasing Division recommends authorizing purchase from the State of Arizona contract with Ames Business and Learning Environments, Inc. for a total of \$22,117.85, including applicable sales tax.

b. "Ruggedized" Notebook Computers and related software, as requested by the Information Services Division (ISD).

The Purchasing Division recommends exercising the first of two one-year renewal options with the original low bidder meeting specification, CLH International, for a total of \$2,021,588.05, based on estimated requirements for the next twelve months, to be financed through a tax-exempt three-year lease. The Purchasing Division further recommends authorizing purchase from the State of Arizona contract with ASAP Software Express for Visio software license upgrades used in these notebook PCs at a total of \$52,510.24. The combined total award is then \$2,074,098.29.

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

Carried unanimously.

*c. Twenty-four mobile radios and twenty-three radio modems to be used in Police and Fire vehicles as requested by the Communications Division.

The Purchasing Division recommends authorizing purchase from the State of Arizona contract and exercising an additional purchase option from RFB #94100, both with Motorola, Inc. at \$91,798.82 including applicable sales tax.

*d. Two-year renewal of the supply contract for roadway valve boxes for Materials & Supply Division warehouse inventory as requested by the Utility Construction. These boxes will be used to house gas and water service valves for commercial and residential services.

The Purchasing Division recommends exercising the two-year renewal option with the original low bid meeting specification by Ametek Access Boxes at \$22,168.21 based on estimated annual requirements.

*e. Server Express Software as requested by Information Services.

The Purchasing Division recommends accepting the only bid from PeopleSoft Inc. for \$15,800.00, plus first year support services for \$5,688.00, for a total award of \$22,562.40, including applicable use tax.

5. Introduction of the following ordinances and setting December 4, 2000 as the date of public hearing on these ordinances:

- *a. Amending Section 10-1-15 of the Mesa City Code relating to the use of skateboards and similar devices in pedestrian overlay areas.
- *b. **Z00-41** The southeast corner of Sossaman and Guadalupe. Site Plan Review (8.29 acres). This case involves development of a commercial strip center and Walgreen's.
- *c. **Z00-63** 4861 – 4863 East Brown Road. Rezone R1-9 (Conceptual O-S) and O-S PAD to R1-9 (5± acres). This case involves the expansion of a parking lot for an existing church.
- *d. **Z00-67** One quarter mile west of the southwest corner of Signal Butte Road and Broadway Road. Rezone from R1-9 (conceptual R-3) to R1-6 PAD-DMP and O-S-PAD (9.6 acres). This case involves the development of a patio home subdivision.
- *e. **Z00-73** 600 – 700 block of South Lindsay Road (west side). Modification of an R1-6 PAD (22± acres). This case involves the development of patio homes.
- *f. **Z00-74** 3941 North Higley Road. Site Plan Modification (2.8 acres). This case involves the expansion of an existing cabinet shop.
- *g. **Z00-76** The northwest corner of Stapley Drive and Inverness Avenue. Site Plan Modification (1.6± acres). This case involves the development of a convenience facility/car wash/drive-thru and gas station.
- *h. **Z00-77** The northeast corner of 80th Street and Baseline Road. Rezone from O-S to R-2 PAD (.5± acres). This case involves the development of duplex townhouses.
- *i. **Z00-80** 3150 and 3160 East Southern Avenue. Rezone from AG and O-S to PF (2± acres). This case involves the incorporation into a City park.
- *j. **Z00-81** Southeast corner of Ellsworth Road and Southern Avenue. Rezone from AG to C-2 (25± acres). This case involves the development of a grocery store and retail center.
- *k. Amending Section 10-5-1 (e 2) of the Mesa City Code relating to the display of parking permits/decals.

6. Consider the following resolutions:

- *a. Extinguishing an Easement for Public Utilities located at 3129 East McKellips Road – Resolution No. 7586.

This extinguishment is in conjunction with the development of the Tia Rosa's Restaurant.

- b. Granting an Overhead and Underground Easement to Salt River Project at Hawes Road and Medina Avenue, and authorizing the execution of said easement document – Resolution No. 7589.

The purpose of this request is to allow the improvement of the south half of Medina Avenue, east of Hawes Road.

Vice Mayor Davidson declared a potential conflict of interest and refrained from discussion/participation on this agenda item.

It was moved by Councilmember Pomeroy, seconded by Councilmember Walters, that the recommendations of staff be approved.

Upon tabulation of votes, it showed:

AYES - Hawker-Jaffa -Kavanaugh-Pomeroy-Walters-Whalen
NAYS - None
ABSTAIN - Davidson

Mayor Hawker declared the motion carried unanimously by those voting.

*c. Deleted.

- d. Authorizing the City Manager to execute a Disposition and Development Agreement with Redstone Investment LLC., an Arizona corporation, and Palm Court Investments LLC., an Arizona corporation, and all other instruments necessary to carry out the provisions of the agreement, and authorizing the acquisition of various parcels of land and attached improvements by purchase, trade, dedication, donation or under the power of eminent domain, as a matter of public use and necessity – Resolution No. 7590.

Dave Wier, 5421 East Fountain Circle, Chairman of the Downtown Development Committee, informed the Council that the Committee voted in unanimously support of this project. Mr. Wier stated the opinion that the proposal represents an appropriate use for the property and urged the Council to approve the resolution.

Paul McKee, 533 West Mendoza, President of the Mesa Town Center Corporation, stated that the Corporation also unanimously supports the proposal and added that the proposed project will enhance the downtown area.

It was moved by Councilmember Kavanaugh, seconded by Councilmember Pomeroy, that the recommendations of staff be approved and Resolution No. 7590 be adopted.

Councilmember Kavanaugh commented that this proposal has gone through extensive processes to reach this point and said the business owners involved in this project are long-time community leaders. Councilmember Kavanaugh thanked the businesses for their ongoing commitment to the downtown area.

Mayor Hawker commented on the extensive consideration that he gives all eminent domain cases and stated the opinion that the public will benefit from this redevelopment site.

In response to a request from Mayor Hawker, City Attorney Neal Beets provided a brief overview of this case for the benefit of the audience and emphasized that once all of the audits and investigations are completed and reviewed, the City will have the opportunity to reassess the situation and determine whether to proceed with the project.

Councilmember Jaffa commented for the record that the landscaping for that area will be extensive. Redevelopment Director Greg Marek confirmed that the proposed landscaping plans are significant in scope and will address Councilmember Jaffa's concerns.

In response to a question from Councilmember Walters, Mr. Marek advised that the project will go through the Design Review process and will appear before the Downtown Development Committee prior to building permit approval and issuance.

Councilmember Walters requested that the Council be advised of when the project will be reviewed by the Design Review Board and indicated her interest in attending that meeting.

Mayor Hawker questioned whether the site would accommodate light rail and Mr. Marek advised that adequate room for a light rail system will be included in the plans.

Carried unanimously.

- *e. Approving Redevelopment Site No. 25 and authorizing the City of Mesa to issue a Request for Proposals for redevelopment of Site No. 25 – Resolution No. 7587.
- *f. Approving and authorizing the City Manager to execute a license and rental agreement between the City of Mesa and Metricom, Inc. – Resolution No. 7588.

7. Consider the following ordinances:

- *a. Amending Section 6-4-9 of the Mesa City Code relating to animal control, handling of biting animals, responsibility for reporting animal bites, and authority to destroy animals – Ordinance No. 3830.
- *b. Amending Section 6-4-3(A) of the Mesa City Code relating to animal control, license fees for dogs, issuance of dog tags, records, and penalties – Ordinance No. 3831.
- *c. Prohibiting parking on Norwalk from McDowell Road to Palm Street, on the south side of Harmony Avenue from a point 100 feet west of Stapley Drive to a point 250 feet west of Hoover Avenue, on the north side of Harmony Avenue from a point 100 feet west of Stapley Drive to a point 180 feet west of Stapley Drive, on the west side of Macdonald from 3rd Avenue to a point 175 feet north of 3rd Avenue, on the north side of Pueblo Avenue from Lindsay Road to Winthrop Circle, on the south side of Pueblo Avenue from Lindsay Road to a point 300 feet west of Lindsay Road, and on Hampton Avenue from a point 330 feet west of Higley Road to a point 440 feet east of Higley Road, as recommended by the Transportation Advisory Board – Ordinance No. 3832.

8. Consider the following resolution and ordinances:

- *a. Relating to modifications of natural gas rates and regulations:

- *1. Modifying gas rate schedules.
- *2. Amending Chapter 14 of the Mesa City Code regarding natural gas regulations; amending Section 5-14-2 of the Mesa City Code pertaining to definitions and amending Section 5-14-4 pertaining to condition governing extensions of natural gas mains and services.

This item has been continued to the December 4, 2000 Regular Council Meeting.

9. Consider approving the Coordination and Public Involvement Plan for "Mesa 2025 – A Shared Vision."

Mayor Hawker introduced Pat Gilbert and John Giles, former members of the Mesa City Council, to the audience and stated that they are currently serving as Co-Chairmen of the Joint Master Planning Committee, comprised of 30 citizens from throughout the community, which has been charged with the responsibility of guiding the process of updating the City's General Plan and Transportation, Economic Development and Parks and Recreation master plans, including cultural amenities. Mr. Gilbert noted that the citizen advisory committee has approved the citizen involvement component and encouraged the Council to approve moving forward from this point. Mr. Gilbert also requested Council support in urging and encouraging citizen participation throughout this process and stressed the importance of their involvement in the updates. Mr. Gilbert also asked the Council to consider requesting at the next legislative session that the deadline for submission of the General Plan update be extended.

Mr. Gilbert briefly discussed the proposed public involvement process and commented on the makeup of the various citizen subcommittees and groups. Mr. Gilbert said that this effort represents a "critical path" process that is operating within a critical timeframe and thanked the Council for their continuing support.

Councilmember Jaffa commented on the complexity of the plan and said that this multi-faceted process will have long lasting effects on the City of Mesa. Councilmember Jaffa discussed the fact that the City Council was recently informed by the Maricopa County Board of Supervisors that the City has six months in which to develop a plan for their review and consideration regarding the area surrounding the General Motors Proving Grounds. Councilmember Jaffa added that the Board said they are not comfortable with what is in place and has challenged the Council in strong terms to develop an acceptable plan. Councilmember Jaffa said that based on the considerable time demands currently facing the City, he would request that the members of the various committees involved in the area surrounding General Motors Proving Grounds, accelerate the development of their specific plans in an effort to assist the Council in preparing the proposal to be presented to the Board of Supervisors.

Councilmember Kavanaugh commented on the fact that the process is truly "cutting edge" because of the complexity of the issues that will be co-mingled. Councilmember Jaffa commended Mr. Gilbert and Mr. Giles, and the various citizens and groups, for their extensive efforts.

Vice Mayor Davidson concurred with the importance of obtaining considerable public input and said that this monumental task will require extensive time and therefore he agrees that efforts should be expended to pursue the granting of a time extension as recommended by Mr. Gilbert.

Councilmember Pomeroy also commented on the difficulties involved in completing this significant task and said that he looks forward to reviewing the final results.

In response to a question from Councilmember Walters, Mr. Giles stated that efforts are being expended to ensure that the web page will be interactive. Mr. Giles also commended Mr. Gilbert on the

development of informational packets, similar to the ones used in the City's recent redistricting efforts, that will be distributed as part of the informational process.

Councilmember Walters noted that a vote in March of 2002 is required to approve the General Plan and stressed the importance of community-wide support. Councilmember Walters also commented on the committee's plans to interview the members of the Maricopa County Board of Supervisors and spoke in support of this plan.

In response to a question from Councilmember Whalen relative to committeemember attendance at the meetings, Mr. Giles stated that the attendance has been encouraging, especially in view of the makeup of the committee and the time demands of many of the members. Mr. Giles added that dividing the members into separate committees will also move the process along.

Councilmember Whalen thanked Mr. Giles and Mr. Gilbert for their efforts in this extremely important process.

Mayor Hawker said that the City wants to take a snapshot of the City as it exists today and then a snapshot of what everyone would like the City of Mesa to be like at full build out and stressed the importance of achieving a balance of residential, commercial and industrial development. Mayor Hawker added that the Williams Gateway Airport area is a very strategic section and stressed the importance of maintaining the area for future job creation. The Mayor commented on the upcoming General Motors move and the fact that 5,000 acres are involved at this location. Mayor Hawker stressed the importance of analyzing the long term financial condition of the City and initiating steps to ensure a sustainable community.

Councilmember Whalen requested that various power/utility groups be invited to participate in the process and said that it would be helpful to learn their future growth and development plans.

Vice Mayor Davidson concurred with Councilmember Whalen's remarks and said that effort must be expended to plan better buffer and transition zones and utility locations.

It was moved by Vice Mayor Davidson, seconded by Councilmember Walters, that the recommendations of staff be approved.

Carried unanimously.

9.1. Consider recommendations pertaining to plan design and premium structures for the City's self-insured health insurance plan; new rates for the City's HMO plans and vision service plans.

It was moved by Councilmember Kavanaugh, seconded by Vice Mayor Davidson, that the recommendations of staff be approved.

Councilmember Kavanaugh said that he made the motion based on the understanding that the City will have on-going discussions relative to this issue as health care costs continue to increase. Councilmember Kavanaugh stated the opinion that for equity purposes it is important in the future to look at the participation of those employees who have single coverage.

Vice Mayor Davidson expressed the opinion that staff should consider utilizing the existing members of the Employee Benefits Advisory Board to look at the issue of health care costs and coverage rather than forming a new task force

Councilmember Walters commented on the difficulties associated with this issue and agreed that single coverage employees should contribute money to offset a portion of the costs.

Councilmember Whalen noted that retired employees were under the assumption that once they retired they would no longer have to worry about medical coverage and said many retired a long time ago and the benefits are lower. Councilmember Whalen stressed the importance of balancing the program so everyone pays an equal share and added that a suggestion was also made to pursue alternative funding options. Councilmember Whalen said he will support the motion to ensure the stability of the account but indicated that this issue requires future study.

In response to a question from Councilmember Pomeroy, Donna Salemi advised that the last health coverage increase was in July of 1993. Councilmember Pomeroy encouraged staff in the future to spread out the increases as they are required rather than allowing them to accumulate.

Carried unanimously.

9.2. Consider the following items from the General Development Committee:

- *a. Recommend that staff be directed to proceed with the design of improvements for the University Drive and Mesa Drive intersection and that staff's recommendation that the right-of-way acquisition and construction be delayed pending confirmation that the Mesa Verde project will proceed as planned.
- *b. Recommend that staff's recommendations relative to the Community and Conference Center and Amphitheatre be approved.

9.3. Consider the following item from the Finance Committee:

- *a. Recommend that the Comprehensive Annual Financial Report, including recommendations and management response, prepared by Deloitte and Touche, be approved.

10. Consider the following item from the Planning & Zoning Board.

- a. **Z00-58** South and east of the southeast corner of Crismon Road and Broadway Road. Rezone from R1-9 (conceptual R-3) to R-3 and Site Plan Review (11± acres). This case involves the development of an apartment complex. Communities Southwest, owner, represented by: Matt Montgomery; American West Communities, applicant, represented by: Kelly Wood. **A ¾ VOTE IS REQUIRED TO APPROVE THIS CASE. THIS CASE WAS CONTINUED FROM THE NOVEMBER 6 CITY COUNCIL MEETING.**

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

1. Compliance with the basic development as described in the project narrative and as shown on the site plan, conceptual landscape plans, wall details and elevations submitted, except as noted below.
2. Compliance with all City development codes and regulations.
3. Compliance with all requirements of the Development Services Department (Engineering, Traffic Engineering, Solid Waste and Facilities, etc.).

4. Dedicate the right-of-way required under the Mesa City Code at the time of application for a building permit, at the time of recordation of the subdivision plat, or at the time of the City's request for dedication whichever comes first.
5. All street improvements and perimeter landscaping to be installed in the first phase of construction.
6. Compliance with all requirements of the Design Review Board with special attention to the landscape area at the north and south sides of the entrance from Crismon Road.
7. Retention basins to be 6:1 slopes maximum.
8. Maximum density allowed for this site shall be 190 dwelling units or approximately 17 dwelling units per acre.

It was moved by Councilmember Walters, seconded by Councilmember Kavanaugh, that Zoning Case No. Z00-58 be denied. Councilmember Walters also provided direction to the applicant to bring back before the Council a proposal for patio homes along with the other two requests for hard rezoning for the property located on Southern and Crismon.

In response to a question from Vice Mayor Davidson, City Attorney Neal Beets clarified that the intent of the direction provided by Councilmember Walters is for the applicant to come back with the other parcel so the Council will consider both at the same time. Mr. Beets added that Councilmember Walters' direction to the developer is in the form of a suggestion only and the developer may proceed in whatever manner he chooses.

Mayor Hawker stated that although this motion may negate the necessity of having all of the speakers who are present in opposition to the apartment present their remarks, he will call on each of the citizens who have submitted requests to speak and they may address the Council if they so choose.

Sean Lake, an attorney representing the applicant, commented that if the Council chooses not to proceed with the apartments on this site, the applicant is proposing a compromise to bring back to the City Council on this parcel a detached patio home subdivision. Mr. Lake added that the applicant is also proposing to bring back a parcel as C-2 commercial, and another parcel as R-3 apartments, and said that signage would be erected indicating the future development of apartments on that site, all subject to future site plan approval.

In response to a request for clarification from Vice Mayor Davidson, Mr. Lake stated that the final result will ultimately be decided by the Council.

Councilmember Kavanaugh said that he supports the motion and the proposed compromise and applauded the applicant and the neighbors on their efforts to arrive at an acceptable compromise.

Mayor Hawker noted that eight requests to speak have been submitted and encouraged someone to speak on behalf of the group in an effort to save time.

Alan Copeland, 10108 East Capri Avenue, a resident in the area, stated that the neighbors have continued to meet with the developers and their representatives and added that a majority of the citizens who oppose the apartment proposal do support the proposed compromise as outlined by Mr. Lake. Mr. Copeland said that the proposal will mitigate the neighbors concerns regarding traffic and constitutes an equitable solution to the problems.

Councilmember Pomeroy also spoke in support of the compromise solution and said that the offer is fair and appropriate.

Vice Mayor Davidson commented that he has been advised by staff that density is needed in this area in order to draw transportation. Vice Mayor Davidson said he will reluctantly support the motion at this time to allow more time for discussion but indicated his intention to pursue his concerns regarding density and transportation needs.

Additional discussion ensued relative to school over-crowding and proposed plans for the development of new schools.

Stacey Brachowski, 533 South LaBelle, a resident of Parkwood Ranch, also addressed the Council and said that a significant amount of apartments and trailers exist in the area already and the current density levels should support transit.

No other citizens indicated their intention to speak at this time.

Councilmember Jaffa commented on the fact that this particular DMP consists of 420 acres and added that in a development of this size, it is easier to develop single-family residential homes first and said it is much more difficult to bring in commercial and higher-density developments later on. Councilmember Jaffa said that in order to achieve the diversity and balance that Mesa needs as a City, staff in the future must make it clear when the Council approves a DMP, that efforts are expended beyond what has been done in the past to get the word out regarding future development plans for the entire area. Councilmember Jaffa said he will support the motion but encouraged staff to pursue this area of concern.

Vice Mayor Davidson reiterated his concerns regarding achieving certain density levels in order to accommodate a different variety and sizes of lots. Vice Mayor Davidson said he will not, therefore, support the delay and stated the opinion that the Council should support Planning and Zoning staff's recommendations regarding issues such as this.

Upon tabulation of votes, it showed:

AYES - Hawker-Jaffa-Kavanaugh-Pomeroy-Walters-Whalen
NAYS - Davidson

Mayor Hawker declared the motion carried by majority vote.

11. Consider the following subdivision plats:

- *a. "DESERT VALLEY ESTATES" (Council District 5) The 2700 block of North Sossaman Road (west side) 11 R1-15 PAD single residence lots (6.47 ac.) McDowell & Sossaman, L.L.C., developer; Allen Consulting Engineers, Inc., engineer.
- *b. "DIAMOND POINT AT LAS SENDAS MOUNTAIN" (Council District 5) The 8300 - 8400 blocks of East Las Sendas Mountain Drive (north side) 40 R1-35 PAD DMP single residence lots (55.12 ac.) City View Properties, L.L.C., developer; Wood, Patel and Associates, engineer.
- *c. "THE SUMMIT AT LAS SENDAS" (Council District 5) The 7100 - 7200 blocks of East Eagle Crest Drive (north side) 51 R1-35 PAD DMP single residence lots (54.78 ac.) City View Properties, L.L.C., developer; Wood, Patel and Associates, engineer.

- *d. "CRISMON BUSINESS PARK" (Council District 6) The 1300 - 1500 blocks of South Crismon Road (east side) 3 C-2 commercial lots, 1 M-1 industrial lot, 1 PEP office business park lot (104.44 ac.) V.J. Crismon L.L.C., developer; The WLB Group, Inc., engineer.
- *e. "MESA COMMERCE CENTER REPLAT" (Council District 5) The 4900 block of East McLellan Road (north side) 2 M-1 industrial lots (12.48 ac.) Keith Riggs Plumbing, Inc., developer; Standage & Associates, Ltd., engineer.
- *f. "EXECUTIVE VILLAS AT EASTBROOK CONDOMINIUM" (Council District 2) The 2300 block of East University Drive (south side) 4 O-S PAD office condominium units (0.73 ac.) A.L.C. Builders, Inc., developer; D&M Engineering, engineer.
- *g. "ELLSWORTH HEIGHTS" (Council District 5) The 1200 - 1300 blocks of North Ellsworth Road (east side) 30 R1-9 PAD single residence lots (8.97 ac.) Homes by Judi of Arizona, L.L.C., developer; D&M Engineering, engineer.

12. Items from citizens present.

Mayor Hawker stated that there were no items from citizens present.

13. Adjournment.

Without objection, the Regular Council Meeting adjourned at 7:23 p.m.

KENO HAWKER, MAYOR

ATTEST:

BARBARA JONES, CITY CLERK

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the Regular Council Meeting of the City Council of Mesa, Arizona, held on the 20th day of November 2000. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this ____ day of _____ 2000

BARBARA JONES, CITY CLERK

lgc