

COUNCIL MINUTES

October 6, 1999

The City Council of the City of Mesa met in a Regular Council Meeting in the upper level meeting room of the Council Chambers, 57 East 1st Street, on October 6, 1999 at 5:45 p.m.

COUNCIL PRESENT

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

COUNCIL ABSENT

None

POLICE OFFICER
PRESENT

Lyle Burton

OFFICERS PRESENT

C.K. Luster
Neal Beets
Barbara Jones

Invocation by President Stephen L. West, The Church of Jesus Christ of Latter-Day Saints.

Pledge of Allegiance was led by Justin Richardson and Drew MacDonald of Troop #590.

1. Approval of minutes of previous meetings as written.

It was moved by Vice Mayor Giles, seconded by Councilmember Kavanaugh, that the minutes of September 21, 1999 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 Vice Mayor Giles, seconded by Councilmember Kavanaugh, that the consent agenda items be approved.

Carried unanimously.

3. Conduct a public hearing on assessments for Special Improvement District No. 239. This District installed suburban ranch street improvements along North Brimhall Street from East Lehi Road to East Nance Street (See Item No. 8a):

Mayor Brown announced that this is the time and place for a public hearing regarding assessments for Special Improvement District No. 239.

Cherie Gresh, 2535 North Brimhall, stated opposition to the proposed assessments. Ms. Gresh discussed previous conversations between the affected residents and former Public Works Manager Harry Kent regarding the fact that she and a number of other residents own two adjoining parcels of land, one of which is too small to build on. Ms. Gresh advised the Council that although she was assured by City staff that she and other residents would only be assessed for the one buildable parcel of land, she and others have since received assessment bills for both pieces of property. Ms. Gresh asked the Council to review this matter and assist the residents in resolving this issue.

Richard Doove, 1342 East Grandview, concurred with Ms. Gresh's remarks and spoke in opposition to the double assessments.

In response to a request from Mayor Brown, Public Works Manager Jack Friedline indicated that he would pursue this matter with Ms. Gresh and Mr. Doove

Mayor Brown stated that action on this item will be delayed to a future Regular Council Meeting to allow staff an opportunity to review and address the neighbors' concerns.

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

4. Consider the following liquor license application:

*a. David Gerard Cisiewski, Agent

New Beer and Wine Store License for Quiktrip (#401), 517 W. McKellips Road. This is a vacant lot at this time, no previous liquor license at this location.

5. Consider the following Bingo applications:

*a. American Legion Post 27 – CLASS B
Albert Schuler, Commander
1018 S. Meridian Rd.
Mesa, AZ 85212

*b. American Legion Auxiliary, Apache Unit 27 – CLASS B
Susan Begoc, President
1018 S. Meridian Rd.
Mesa, AZ 85212

- *c. Sons of the American Legion #27 – CLASS B
Francis (Bucky) LaPierre, Commander
1018 S. Meridian Rd.
Mesa, AZ 85212

6. Consider the following contracts:

- *a. 100 semi-automatic pistols as requested by the Police Department. These pistols will be used for new officers who will attend the police academy.

The Purchasing Division recommends accepting the low bid by Davidson's at \$39,950.00 plus 7.5% sales tax of \$2,996.25 for a total of \$42,946.25.

- *b. Modular office work stations for remodeling of Video Production in the Mesa City Plaza Building as requested by Public Works. These furnishings will create individual work space for four Video Production employees.

The Purchasing Division recommends authorizing purchase from State of Arizona contract with Goodman's Inc. at \$11,848.28 including materials, design services, delivery, installation and applicable sales tax.

- *c. One replacement copier for the Fire Department. This copier will be used at Fire Administration.

The Purchasing Division recommends authorizing purchase from the State of Arizona contract with Ikon Office Solutions at \$30,861.83 including applicable sales tax.

- *d. Two year supply contract for plastic refuse container lids as requested by the Solid Waste Division. These lids are used to replace worn or damaged lids on 6 and 8 cubic yard refuse containers.

The purchasing Division recommends accepting the low bid by Rotonics Mfg., Inc. at \$22,500.00 plus 5% use tax of \$1,125.00 for a total of \$23,625.00 based on estimated requirements.

- *e. Fifteen replacement tactical ballistic vests for SWAT team officers as requested by the Police Department.

The Purchasing Division recommends accepting the low bid by Arizona Tactical at \$37,350.00 plus 7.0% sales tax of \$2,614.50 for a total of \$39,964.50.

- *f. Landscape maintenance services at the City's parks & retention basins in the area designated as Zone 1 as requested by the Parks, Recreation and Cultural Division. This contract covers an area south of University and east of Val Vista Drive.

The Purchasing Division recommends accepting the low bid by Art Landscaping, Inc. at \$123,238.00 based on estimated requirements.

- *g. Six new small buses to be used for public transit service as requested by the Transportation Division. These transit vehicles are CNG-powered, carry 23 passengers each, and are wheelchair accessible.

The Purchasing Division recommends accepting the bid by Arizona Bus Sales Corporation at \$928,155.00. Transit vehicles are exempt from sales taxes.

- *h. 133 portable radios for various departments as requested by the Communications Division.

The Purchasing Division recommends authorizing purchase from the State of Arizona contract with Motorola Communications & Electronics Inc. at \$1,02,371.21 including accessories, sales tax and two-year express service maintenance/repair plan.

- *i. Four new administrative sedans for the Police Department.

The Purchasing Division recommends accepting the following bids:

Three vehicles from Thorobred Chevrolet at \$51,500.34 plus 7.2% sales tax of \$3,708.02 for a total of \$55,208.36; and

One vehicle by Tony M. Coury Buick at \$17,488.00 plus 5.7% sales tax of \$996.82 for a total of \$18,484.82.

The combined award is then \$73,693.18.

- j. Kellwood Substation Upgrades.

The purpose of this contract is to upgrade Kellwood Substation by installing electronic relays, control panels, and secondary oil containment.

Recommend awarding the construction portion of these improvements to ESS International of Gilbert, Arizona for a total of \$210,375.00.

Councilmember Davidson 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.

Upon tabulation of votes, it showed:

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

Mayor Brown declared the motion carried by a majority of the Council voting.

7. Introduction of the following ordinances and setting October 18, 1999 as the date of public hearing on these ordinances:

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

- *a. Amending the City Code to regulate left-turns from certain driveways, designating certain streets, alleys, and driveways as one-way, designating certain streets as through streets, and regulating parking on certain streets; as recommended by the Transportation Advisory Board.
- b. Annexing the following Maricopa County street rights-of-way.
 - *1. **A98-10** Maricopa County right-of-way for Sossaman Road between Elliot and Guadalupe Roads.
 - *2. **A98-11** Maricopa County right-of-way for Hawes Road between Elliot Road and Guadalupe Roads.
 - *3. **A98-12** Maricopa County right-of-way for Crismon Road from Elliot Road to Guadalupe Road and Guadalupe Road between Hawes and Signal Butte Roads.
 - *4. **A98-13** Maricopa County right-of-way for Signal Butte Road from Baseline to Elliot Roads.

8. Consider the following resolutions:

- a. Approving the assessments for Special Improvement District No. 239.

It was moved by Vice Mayor Giles, seconded by Councilmember Kavanaugh, that this matter be continued to the November 1, 1999 Regular Council Meeting. (See discussion under agenda item 3.)

Carried unanimously.

- *b. Extinguishing a waterline easement at 6535 East Superstition Springs Blvd.

The water line within this easement has been relocated making this easement no longer necessary - Resolution No. 7427.

9. Consider the following ordinance and resolutions:

- a. An ordinance relating to public health and safety, repealing Title VII, Chapter 2 of the Mesa City Code; preserving rights and duties that have already matured and proceedings that have already begun thereunder; adopting the 1997 Uniform Fire Code by reference; amending certain provisions in the Uniform Fire Code; amending Title VII of the Mesa City Code by adding thereto a new Chapter 2; adopting Mesa Fire Department fire details by reference; providing

penalties for violations; and establishing a delayed effective date of May 1, 2000 for Article Ten in the amendments.

This ordinance includes new requirements for automatic sprinklers in all new commercial and residential buildings - Ordinance No. 3695.

Mayor Brown advised that Ordinance No. 3695 would adopt the 1997 Uniform Fire Code and several additions including a recommendation to require automatic fire sprinkler systems in all new residential and commercial buildings.

Fire Chief Dennis Compton and Assistant Fire Chief Bob DeLeon, presented a brief presentation on the merits of the proposed amendment to require fire sprinkler systems in all new residential and commercial buildings, effective May 1, 2000. Chief DeLeon noted that all existing homes and commercial buildings will be exempt from the ordinance and emphasized that the fire sprinkler requirement would only apply to new construction. Chief DeLeon presented a video which highlighted the positive impacts of automatic fire sprinkler systems and emphasized that the systems will have the most important impact on life safety in the community.

Discussion ensued relative to staff's recommendations, potential decreases in fire insurance premiums in homes containing the systems, estimated costs, and the importance of utilizing this technology to protect the citizens of Mesa.

Mayor Brown stated that a number of speakers have indicated an interest in speaking on this agenda item.

The following citizens (in order of appearance) spoke in opposition to the proposed ordinance requiring automatic fire sprinkler systems and stated the opinion that the decision whether to install the systems in new homes should be the decision of the homebuyers rather than government; discussed costs associated with the installation and purchase of the systems and commented on the possibility that potential homebuyers may not qualify to purchase their homes because of the added cost of the system; and requested that the Council consider 1) offering "reasonable off-sets" to absorb a portion of the costs associated with the proposed ordinance and 2) developing incentives, such as utility credits, for citizens who choose to include fire sprinkler systems in their new homes:

Gibson McKay (Homebuilders' Association of Central AZ)	2111 East Highland, Phoenix
Dian Gilmore (S.E. Valley Regional Assoc. of Realtors)	1363 South Vineyard

The following citizens (in order of appearance) spoke in support of the adoption of the proposed ordinance to require automatic fire sprinkler systems and commented that the City of Scottsdale passed a similar ordinance which has proven to be extremely successful, relatively inexpensive and highly effective; the fact that automatic fire sprinklers save lives and prevent property damage; the fact that fire sprinkler systems enhance the Fire Department's effectiveness and efficiency; the pain, suffering and trauma associated with burn injuries, and the fact that the benefits far exceed the costs associated with the systems:

Bill Soderquist (Former Scottsdale Councilmember)	Scottsdale
Jim Ford (Assistant Fire Chief, Scottsdale)	Scottsdale

Patrick Coughlin (Residential Fire Safety Institute)
Jimmy Lawson (Foundation for Burns and Trauma)
Ruth Rimmer (Burn Foundation)

Kansas
758 South Ocean Dr., Gilbert
2145 East Glencove

The following citizen submitted written support for the adoption of the ordinance but did not wish to address the Council:

Kenny King (Mesa Fire Department)

Mayor Brown thanked the speakers for their input.

In response to a question from Councilmember Pomeroy, Chief DeLeon advised that although Scottsdale is the only City in Arizona that has adopted an automatic fire sprinkler ordinance to date, over 800 communities nationwide have adopted ordinances similar to the one proposed by staff.

Mayor Brown commented that he appreciates the effort Chief Compton and his entire staff has expended to bring this important issue to the attention of the Council and the community. Mayor Brown stated the opinion that the proposed ordinance represents an opportunity and an asset rather than a liability and said that the costs involved are minimal when compared to saving even one life. Mayor Brown said that he supports the adoption of the proposed amendment as recommended by staff.

Vice Mayor Giles stated that the adoption of the proposed ordinance will gain recognition for the City of Mesa in the area of public safety and requested that those citizens in opposition to the fire sprinkler requirement look beyond the costs and examine the long-term benefits of the proposal.

Councilmember Kavanaugh commented that he has worked with the Fire Department on this issue for approximately two years and spoke in strong support of the proposal. Councilmember Kavanaugh expressed the opinion that adoption of the proposed ordinance will represent a significant historical event for the City of Mesa, will save lives, and will reduce fire-related property damage. Councilmember Kavanaugh added the opinion that the systems will particularly benefit the elderly and handicapped citizens in our community, who are least able to protect themselves against the ravages of fire. Councilmember Kavanaugh said that Mesa will be known as a leader in the fire safety field and commended Chief Compton and Fire Department staff for the extensive efforts they have expended.

It was moved by Councilmember Kavanaugh, seconded by Councilmember Jaffa, that Ordinance No. 3695 be adopted.

Councilmember Hawker commented that he serves as a member of the Fire Committee and noted that he voted in opposition to the passage of the proposed ordinance based on the fact that the proposal mandates the installation of automatic fire sprinklers in new homes and commercial buildings. Councilmember Hawker stressed the importance of preserving personal property rights and added that he would support a proposal to require homebuilders to offer the systems as an option.

Councilmember Jaffa requested that staff explore the possibility of offering credits of some type to citizens who utilize the systems. Councilmember Jaffa stated the opinion that the adoption of the proposed ordinance is a critical step in enhancing public safety and added that costs associated with the proposal are minimal in comparison to the systems' life-saving benefits.

Vice Mayor Giles commented that should he construct a new home in the future, the structure will contain an automatic fire sprinkler system and emphasized the importance of working with the homebuilding industry to ensure the affordability of the systems. Vice Mayor Giles stated that although he endorses the proposal and commends staff for their efforts, he is not ready at this time to vote for approval of the ordinance. Vice Mayor Giles said that he will vote in opposition to the ordinance but in favor of adopting the Uniform Building Code and expending efforts to work with the industry to ensure that new homebuyers will not be forced to suffer hardships based on the costs associated with the addition of the systems.

Councilmember Pomeroy stated that he supports the public safety aspects of the proposed ordinance and will vote in support of staff's recommendation.

Councilmember Davidson expressed the opinion that Mesa will be viewed as a community that values quality of life issues and said that he strongly supports the adoption of the proposed ordinance.

Upon tabulation of votes, it showed:

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

Mayor Brown declared the motion carried by majority vote and Ordinance No. 3695 adopted.

- b. A resolution declaring as a public record that certain document filed with the City Clerk and entitled "1997 Uniform Fire Code" - Resolution No. 7428.

It was moved by Councilmember Kavanaugh, seconded by Councilmember Jaffa, that Resolution No. 7428 be adopted.

Carried unanimously.

- c. A resolution resolving to continue to work with the home building industry in the implementation of the City of Mesa's new requirements for installing automatic sprinklers in all new residential and commercial buildings - Resolution No. 7429.

It was moved by Vice Mayor Giles, seconded by Councilmember Pomeroy, that Resolution No. 7429 be adopted.

Carried unanimously.

*9.1 Write-off of utility and miscellaneous accounts in the amount of \$150,426.00 (0.22%).

9.2 Consider the following recommendations from the Transportation Committee:

- *a. Approve the recommendations of the Transportation Planning Task Force, with emphasis on coordinating efforts in association with the Mesa General Plan Update and developing an extensive public notification process.

- *b. Approve staff's recommendation to proceed with signing the location of the Red Mountain Freeway between Power Road and US 60 and the Santan Freeway between US 60 and Power Road at the arterial street crossings.

9.3 Consider the following recommendation from the Police Committee:

- *a. Approving staff's recommendation relative to the placement of 18 photo safety red-light cameras including seven left-turn cameras at certain intersections within the City of Mesa.

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

Councilmember Hawker advised the audience that a Valley Vision 2025 Open Forum will be held at Mesa Community College on Thursday, October 7, 1999 from 6:30 to 8:30 p.m. and encouraged the citizens to attend and provide input on their future visions for the community.

11. Adjournment.

Without objection, the Regular Council Meeting adjourned at 7:21 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 6th day of October 1999. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this ____ day of _____ 1999

BARBARA JONES, CITY CLERK