

COUNCIL MINUTES

June 1, 1998

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

COUNCIL PRESENT

Mayor Wayne Brown
Pat Gilbert
John Giles
Dennis Kavanaugh
Joan Payne
Wayne Pomeroy
Claudia Walters

COUNCIL ABSENT

None

NEWLY ELECTED COUNCIL

Jim Davidson
Bill Jaffa
Keno Hawker
Pat Pomeroy

POLICE OFFICER PRESENT

Martin Scott

OFFICERS PRESENT

C.K. Luster
Neal Beets
Barbara Jones

(Items were discussed out of order, but for purposes of clarity will remain as listed on the agenda.)

Invocation by Glenn Gorke.

Pledge of Allegiance was led by Andrew and Sara Davidson.

1. Consider a resolution canvassing the vote and declaring the results from the May 19, 1998, General Election - Resolution No. 7204.

It was moved by Vice Mayor Gilbert, seconded by Councilmember Walters, that Resolution No. 7204 be adopted.

Carried unanimously.

2. Remarks by outgoing Councilmembers.

Vice Mayor Pat Gilbert

Vice Mayor Gilbert expressed appreciation to the members of his family for their continuing support. Vice Mayor Gilbert stressed the importance of rendering decisions that will result in long-term positive impacts for the City of Mesa. Vice Mayor Gilbert stated that it has been a privilege to serve as a member of the Mesa City Council.

Councilmember Joan Payne

Councilmember Payne thanked her family, the citizens of Mesa and her many friends, associates, volunteers, and staff for their efforts and continued support during her term in office. Councilmember Payne stated that it has been an honor and a privilege to have been instrumental in the successful shift of government to a district system.

Councilmember Wayne Pomeroy

Councilmember Pomeroy, a former Councilmember and Mayor, also expressed appreciation to his wife and members of his family for their patience and support during his term of office. Councilmember Pomeroy thanked Mayor Brown for the confidence he placed in him and stated that it has been an honor to serve once again on the Mesa City Council. Councilmember Pomeroy commended City Manager Charles Luster, Assistant City Manager Mike Hutchinson and staff on their performance and achievements.

Councilmember Claudia Walters

Councilmember Walters commended the members of the Council and City staff for the quality of service that is provided to the citizens of Mesa. Councilmember Walters stressed the importance of open communication and maintaining a sense of civility and encouraged the members of the Council to maintain a long-term vision for the City of Mesa. Councilmember Walters also expressed appreciation to Mayor Brown and congratulated the new Councilmembers on their successful election.

3. Swearing in and seating of Councilmembers.

Pat Pomeroy sworn in by City Magistrate Michelle Lue Sang.

Keno Hawker sworn in by Genella Hawker.

Jim Davidson sworn in by Barbara Jones.

Bill Jaffa sworn in by Jeanne Kennedy.

4. Remarks and introductions by Pat Pomeroy, Keno Hawker, Jim Davidson and Bill Jaffa.

Councilmember Pomeroy expressed appreciation to the citizens of Mesa for providing him an opportunity to follow in the political footsteps of his great grandfather, father, and brother. Councilmember Pomeroy stated that he is looking forward to serving as a Councilmember and expressed appreciation to his family for their support and encouragement.

Councilmember Hawker thanked outgoing Vice Mayor Gilbert and Councilmember Pomeroy for their efforts and achievements. Councilmember Hawker introduced the members of his family present at the meeting and expressed appreciation to everyone who provided support during his campaign.

Councilmember Davidson thanked the members of his committee for their commitment and support and encouraged Mesa citizens to pursue public office. Councilmember Davidson introduced his family members and expressed appreciation to them for their continued support.

Councilmember Jaffa expressed his appreciation to a number of supporters and friends and thanked the citizens of Mesa for the opportunity to serve them. Councilmember Jaffa stated that he is looking forward to working with the residents, staff, and fellow Councilmembers and encouraged citizens to provide input to the Councilmembers to assist them in achieving long-term goals.

5. Election of Vice Mayor.

It was moved by Councilmember Kavanaugh, seconded by Councilmember Pomeroy, that Councilmember Giles be elected Vice Mayor.

Mayor Brown congratulated Vice Mayor Giles on his appointment.

Carried unanimously.

5.1. Approval of minutes of previous meetings as written.

It was moved by Councilmember Pomeroy, seconded by Councilmember Giles, that the minutes of May 19, 1998 be approved.

Carried unanimously.

6. 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 Kavanaugh, seconded by Councilmember Jaffa, that the consent agenda items be approved.

Carried unanimously.

7. Consider the following liquor license applications.

*a. NANCY E. RYMER, INDIVIDUAL

Person transfer Beer and Wine Bar License for Olives Bistro & Bakery, 2051 S. Dobson Road, #18. This transfer is from Robert Brenghouse, Etal, Red Hot Shack Deli, to Nancy E. Rymer, Individual, Olives Bistro & Bakery.

*b. DENNIS R. HOOD, AGENT

Person and Location transfer Liquor Store for Fry's Food Store #62, 554 W. Baseline Road. This transfer is from David S. Goodrich, Agent, Abco Markets, Inc., 7919 E. Thomas Road, Scottsdale, to Dennis R. Hood, Agent, Fry's Food Stores of AZ, Inc., 554 W. Baseline Road.

*c. HELEN HARDY MILLS, AGENT

New Restaurant License for Famous Sans #38, Northwest Corner Power Road and University Drive. This is a new business, no previous liquor licenses at this location.

8. Consider the following contracts.

*a. One-year renewal of the annual supply contract for traffic signal lamps for warehouse inventory to be used by the Transportation Division.

The Purchasing Division recommends exercising the second and final one-year renewal option with the only bid by Duro-Test Corp. at \$26,690.40 plus 5% use tax of \$1,334.52 for a total of \$28,024.92.

*b. One-year renewal of the annual supply contract for 15kV aluminum electrical cable for warehouse inventory to be used by the Electric Utility Division.

The Purchasing Division recommends exercising the first of two one-year renewal options with the original low bid meeting specification by Brown Wholesale Electric Company for items 1, 2 & 3A at \$149,760.00 plus 6.80% sales tax of \$10,183.68 for a total of \$159,943.68.

*c. 320 street light luminaries for warehouse inventory to be used by the Transportation Division.

The Purchasing Division recommends accepting the low bid by Arizona Electric Supply at \$38,436.00 plus 5.50% sales tax of \$2,113.98 for a total of \$40,549.98 based on estimated requirements.

- *d. One replacement animal control vehicle body as requested by the Police Department.

The Purchasing Division recommends accepting the bid by SWAB Wagon Company, Inc. At \$12,115.00 plus 5% use tax of \$605.75 for a total of \$12,720.75.

- *e. One replacement medium volume copier for the City Attorney's office.

The Purchasing Division recommends authorizing purchase from the State of Arizona contract with Danka Corporation at \$14,312.00 plus 6.8% sales tax of \$973.22 for a total of \$15,285.22.

- *f. Two utility vehicles as requested by the Parks, Recreation & Cultural Division.

The Purchasing Division recommends authorizing purchase from the State of Arizona contract with Simpson Norton Corporation at \$19,600.00 plus 6.70% sales tax of \$1,313.20 for a total of \$20,913.20.

- *g. One replacement utility tractor for Dobson Ranch Golf Course as requested by the Parks, Recreation and Cultural Division.

The Purchasing Division recommends accepting the low bid meeting specification by Arizona Machinery Company at \$19,466.00 plus 7.8% sales tax of \$1,362.63 for a total of \$20,828.62.

- *h. Two replacement street sweepers to be used for sweeping of residential streets as requested by the Transportation Division.

The Purchasing Division recommends accepting the low bid by Norwood Equipment at \$236,271.95 including options, warranties and applicable sales tax.

- *i. Technical library furniture for the remodeled main library. This purchase includes 61 tables, 478 chairs and 12 file cabinets.

The Purchasing Division recommends accepting the lowest overall bid by Emerling's Office Interiors at \$249,087.57 plus 6.80% sales tax of \$16,937.95 for a total of \$266,025.52.

- *j. Annual supply contract for landscape sprinkler parts and supplies for warehouse inventory to be used by the Parks and Recreation, Building & Grounds Maintenance and Street Maintenance Divisions.

The Purchasing Division recommends accepting the lowest overall bid by Horizon (formerly Mesa Sprinkler), as primary contractor, for annual expenditures estimated at \$180,000.00.

In order to ensure continuity of supply, a secondary contract is recommended to the second lowest overall bidder, Sprinkler World of Arizona.

- *k. Annual supply contract for bronze water service valves and fittings for warehouse inventory to be used by the Utility Construction and Utility Services Divisions.

The Purchasing Division recommends accepting the lowest overall bid by Arizona Water Works Supply at \$50,283.29 plus 7.20% sales tax of \$3,620.39 for a total of \$53,903.68 based on estimated requirements.

- *l. Four ADA Workstations for Use with the Dynix Library System as requested by the Information Services Division (ISD). Two workstations are for the main library; the other two will be installed at each of the two branch library locations.

The Purchasing Division recommends accepting the only bid from Ameritech Library Services for ADA Workstations of \$28,072.00 and installation and shipping of \$3,110.00, plus 5.0% use tax on the workstations of \$1,403.60, for a total of \$32,585.60 (installation and shipping are not taxable).

- *m. CD-ROM System enhancement for use in the Mesa Public Library as requested by the Information Services Division (ISD). This will increase the capacity and operating speed of the existing CD-ROM system at the library and ensure year 2000 compliance.

The Purchasing Division recommends accepting the bid from MicroAge for a CD-ROM System at \$31,308.00, plus installation of \$4,000.00 and 7.2% sales tax on the system of \$2,254.18, for a total of \$37,562.18 (installation is not taxable).

- *n. Diskeeper Workstation and Server Software for Various City Departments as requested by the Information Services Division (ISD). This software will be installed on various personal computers to increase the units' operating efficiency.

The Purchasing Division recommends authorizing purchase from the State of Arizona contract with Software City for Diskeeper Workstation and Server Software of \$33,516.50 plus 6.8% sales tax of \$2,279.12 for a total of \$35,795.62 (see attached Pricing Summary).

- *o. One-Year renewal of Annual Supply Contracts for Network Cables and Cabling Supplies as requested by the Information Services Division (ISD). This will provide the cables and supplies necessary to install PCS in various City departments and to connect City facilities to the City's network.

The Purchasing Division recommends exercising the first of two one-year renewal options with the following original low bidders meeting specification:

Kent DataComm as primary supplier for Groups 1, 6, 9, 10, 12, 23-25, 28, and 29, and Graybar Electric as primary supplier for Groups 2-5, 7, 8, 11, 13-22, 26, 27, and 30-33. The combined total award for network cables and cabling supplies is \$866,000.00, based on estimated annual requirements and including appropriate sales tax (see attached Pricing Summary). Staff projects that 55% (\$477,100) of the total expenditures will be with Ken DataComm and 45% (\$388,900) with Graybar Electric.

In order to assure continuity of supply, the Purchasing Division also recommends awarding secondary supply contracts to Graybar Electric for Groups 1, 6, 9, 10, 12, 23-25, 28, and 29, and Kent DataComm for Groups 2, 5, 17, 20, 22, and 30. The secondary supplier will be utilized in the event that the primary supplier cannot meet the City's requirements.

- *p. Sossaman Road Street lighting, Baseline Road to University Drive.

This project consists of installing new street lights on Sossaman Road between Baseline Road and University Drive.

Recommend award to low bidder, Shanco Corporation dba Somerville/Shanco, in the amount of \$217,812.00.

- *q. Claims Adjudication and Reporting System for the Employee Benefits Division.

The Purchasing Division recommends accepting the proposal from FACTS Services, Inc. for a total of \$501,908.00.

9. Introduction of the following ordinances and setting June 15, 1998 as the date for the public hearing on these ordinances.

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

- *a. **A98-1** The southwest corner of East University Drive and North Merrill Road. This involves the annexation of 25+ acres.
- *b. **Z98-13** The southeast corner of Val Vista Drive and the Superstition Freeway. Rezone from R1-7 (conceptual C-2) to R-3 (13± acres). This case involves development of a 208-unit apartment complex.
- *c. **Z98-19** The 500 block of South Higley (east side). Rezone from AG to O-S (1+ acre). This case involves the development of an assisted living facility.
- *d. **Z98-29** The 2400 block of West Main Street - south side. Rezone from C-3 to R-4 and Site Plan Review (12± acres). This case involves the expansion of a previously approved apartment site.
- *e. **Z98-30** 1744 North Lindsay Road. Rezone from R1-43 to C-1 (1 + acre). This case involves conversion of a residence for use as a craft boutique.
- *f. **Z98-31** 6426 East McDowell Road. Rezone from R1-9 to O-S (2+ acres). This case involves conversion of a church facility for use as an office.

- *g. **Z98-32** The 1600 block of East Main Street- south side. Rezone from R-4 to C-3 (4 + acres). This case involves development of an auto/RV sales lot and mini-storage.
- *h. **Z98-33** 817 and 833 South Country Club Drive. Rezone from R-4 and C-2 to C-3 (1 + acre). This case involves the expansion of an existing motorcycle sales and service facility.
- *i. **Z98-34** The northeast corner of University and Stapley Drives. Rezone from PF, R1-6, R-2 and C-1 to C-2 (10 + acres). This case involves the development of a grocery store retail center.
- *j. **Z98-35** East of the southeast corner of Broadway and Higley Roads. Site Plan Modification (12+ acres). This case involves a site plan change to a previously approved apartment project.
- *k. **Z98-37** 3530 East Broadway Road. Site Plan Modification (1 + acre). This case involves the development of an auto repair facility.
- *l. **Z98-39** The northeast corner of Southern Avenue and Val Vista Drive. Site Plan Modification (24 + acres). This case involves the development of a Safeway Store, shops, and pad buildings.

10. Consider the following resolutions.

- *a. Authorizing the City Manager to execute an Intergovernmental Agreement between the City of Mesa and the Regional Public Transportation Authority (RPTA) for the 1998/99 operation of Dial-A-Ride Services in the Mesa/Chandler/Gilbert area - Resolution No. 7205.
- *b. Authorizing the City Manager to execute the Contract Amendment No. 1, for Contract No. 97960, between the City of Mesa and the City of Phoenix for Express Route 533. This route is providing service from the Power Road/Superstition Springs area to downtown Phoenix - Resolution No. 7206
- *c. Authorizing the City Manager to execute the 1998/99 Transit Service Agreement between the City of Mesa and the Regional Public Transportation Authority (RPYA) - Resolution No. 7207
- *d. Authorizing the extension of the Intergovernmental Agreement with Mesa Unified School District - Resolution No. 7208.

This agreement will continue the sharing of appropriate staff and data resources between the City of Mesa Planning Division and the Mesa Unified School District.
- *e. Declaring as a public record that certain document filed with the City Clerk and entitled "The 1998 Amendments to the City of Mesa Privilege & Excise Tax Code" - Resolution No. 7209.

11. Consider the following ordinances.

- *a. Adopting "The 1998 Amendments to the City of Mesa Privilege & Excise Tax Code" by reference; establishing an effective date; providing for severability and providing penalties for violations - Ordinance No. 3476.
- *b. Amending Title 1, Chapter 12 of the Mesa City Code, by adding Sections 1-12-3 and 1-12-6 to establish a default fee, a user fee and fees for collection costs for delinquent accounts for the City Court - Ordinance No. 3477.
- c. Relating to neighborhood preservation and a housing code amending the descriptive title of Title 8, Chapter 6; amending Sections 8-6-1(A); adding definitions to Section 8-6-2; amending Section 8-6-3(K); adding Section 8-6-3(U) to the Mesa City Code; and establishing a delayed effective date subject to the approval of the voters - Ordinance No. 3478.

It was moved by Councilmember Kavanaugh, seconded by Vice Mayor Giles, that Ordinance No. 3478 be adopted.

Councilmember Hawker advised that he will not support the motion and stated that as it appears now, the issue will be placed on the ballot of the City's Year 2000 election. Councilmember Hawker stated the opinion that additional study should occur regarding this issue and recommended that the Council develop a set of guidelines to determine which issues the Council will place on an election ballot versus placement of an issue as a result of an initiative action.

Vice Mayor Giles commented that he will vote in support of the motion and stated that this issue has been the subject of extensive study and debate among the members of the Council. Vice Mayor Giles stated that the City Charter mandates that housing code issues be placed on the ballot for a vote of the citizens. Vice Mayor Giles said that he has lived his entire life in Mesa and has witnessed firsthand a gradual decline in the quality of life in older neighborhoods. Vice Mayor Giles expressed the opinion that the proposed ordinance will positively impact the City of Mesa.

Councilmember Jaffa stated that although he agrees that the adoption of a housing code may be appropriate, as a newly-appointed Councilmember he would appreciate continuing action on this item until the next Regular Council Meeting to provide additional time to review the matter.

Mayor Brown indicated that he would support the motion, not necessarily because he supports the proposal but rather because he believes the issue should be placed on the table. Mayor Brown stated that the issue is an important one and has not been the subject of either Council or public debate. Mayor Brown expressed the opinion that the placement of this issue on the ballot of either the September Primary or November General Election would be inappropriate.

In response to a question from Councilmember Hawker, City Attorney Neal Beets advised that the City Charter states that prior to the adoption of a housing code, the issue must be approved by the voters. Mr. Beets added that the issue could also be placed on the ballot and considered by the voters at a Special Election. Mr. Beets stated that if Council does not call a Special Election to vote on this issue, the matter would be placed on the ballot of the next City of Mesa election in the year 2000.

Upon tabulation of votes, it showed:

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

Mayor Brown declared the motion carried by majority vote and Ordinance No. 3478 adopted.

12. Consider the following recommendations from the Parks and Recreation Board.

- *a. Adopting proposed fee increases for the City of Mesa Cemetery, to be effective May 1, 1998 for the expansion area and transfer fee, and July 1, 1998 for all other areas and services.
- *b. Adopting proposed fee increases for selected parks and recreation programs and services.
- *c. Adopting proposed golf cart fee increases, to be effective November 1, 1998.
- *d. Adopting proposed green fee increases, to be effective November 1, 1998.

13. Consider the following recommendations from the Museum and Cultural Advisory Board.

- *a. Adopting the proposed fee increases for theatre and room rentals at the Mesa Arts Center.

14. Adjournment.

It was moved by Councilmember Pomeroy, seconded by Vice Mayor Giles, that the Regular Council Meeting adjourn at 7:04 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 1st day of June 1998. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this ____ day of _____ 1998

BARBARA JONES, CITY CLERK