

COUNCIL MINUTES

April 3, 2000

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 April 3, 2000 at 5:45 p.m.

COUNCIL PRESENT

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

COUNCIL ABSENT

None

OFFICERS PRESENT

Mike Hutchinson
Neal Beets
Barbara Jones

The Invocation was given by Reverend Skip Hughes, First Christian Church.

The Pledge of Allegiance was led by Derek Funkhouser, Troop #506.

1. Approval of minutes of previous meetings as written.

It was moved by Vice Mayor Giles, seconded by Councilmember Kavanaugh, that the minutes of March 16 and 20, 2000 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 the proposed rate adjustment for the Mesa Town Center Improvement District No. 228.

This District provides enhanced municipal services for the Mesa Town Center.

Mayor Brown announced that this is the time and place for a public hearing regarding the proposed rate adjustment for the Mesa Town Center Improvement District No. 228.

Vince DiBella, President of the Mesa Town Center, addressed the Council and provided a brief overview of the three major components that comprise the proposed rate adjustment. Mr. DiBella noted the primary elements include an increase of 10% of the total assessment amount on each parcel City wide; a multi-floor assessment rate increase of 10% per floor above the first floor on all office and retail properties; and incorporate the City of Mesa's basic rate amount and Public Space Management Contract into an equitable assessment formula agreement. Mr. DiBella added the opinion that these components are reasonable and equitable.

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. ROBERT E. LEE, PARISH STAFF MEMBER

Special Event License application of Robert E. Lee, Parish Staff Member, Queen of Peace Catholic Church, a one-day religious event to be held on Sunday, April 16, 2000 from 11:00 a.m. to 8:30 p.m., at 141 N. Macdonald Street, Queen of Peace Catholic Church.

*b. DONALD STRAUCH, PRESIDENT

Special Event License application of Donald Strauch, President, Sister City Association of Mesa, a two-day charitable event to be held Friday, May 5, 2000, from 6:00 p.m. to 10:00 p.m. and Saturday, May 6, 2000, from 10:00 a.m. to 10:00 p.m. at 520 E. Main Street, Pioneer Park.

*c. PAUL BEER, AGENT

New Beer and Wine Store License for 7-Eleven 16179J, 839 S. Stapley Drive. This is an existing business. The Beer and Wine Store License previously held at this location by Anoop Kumar, Individual, 7-Eleven Food Store #16179D, will revert back to the State.

*d. MANUEL REYES, INDIVIDUAL

New Restaurant License for El Sombrero Mexican Restaurant, 1927 N. Gilbert Road, #6. This is an existing building. The Restaurant License previously held at this location by Albert Poma, Agent, Poma's Ristorante, did not renew their liquor license.

*e. SARA QUIROZ, INDIVIDUAL

New Restaurant License for El Tapatio, 6233 E. Main Street. This is an existing building. The Restaurant License previously held at this location by Luis A. Lopez, Individual, Culichi's Mexican Grill, did not renew their liquor license.

*f. DALE ANDERSON, AGENT

New Restaurant License for The Other Place – Mesa, 1644 S. Dobson Road. This is an existing business. The Restaurant License previously held at this location by Michael Monti, Agent, Monti's at the Ranch, will revert back to the State.

*g. JOSEPH KENNEDY, AGENT

New Restaurant License for The Vine Tavern & Eatery, 6110 E. Main Street. This is a new building, which is currently under construction. The existing building, which is right next to the new building, has the same address but is being demolished. The Restaurant License previously held at the existing location by Joseph Kennedy, Etal, The Vine Tavern & Eatery, will revert back to the State.

5. Consider the following contracts:

- *a. One replacement sewer cleaning trucks as requested by Utility Operations.

The Purchasing Division recommends accepting the low bid meeting specification by Pacific Utility Equipment Company at \$195,499.25 including extended warranties, optional equipment and applicable sales tax.

- *b. Office furniture for Fire Administration employees located at the 40 North Center Street Offices.

The Purchasing Division recommends accepting the lowest complete bid by Goodman's Inc. at \$13,656.24 plus 7.10% sales tax of \$969.59 for a total of \$14,625.83.

- *c. 65 work stations for the Human Resources and Arts and Entertainment Divisions for their new location, the South Center Street Campus.

The Purchasing Division recommends authorizing purchase from State of Arizona contract with Goodman's Inc. at \$232,862.55 including materials, design services delivery, installation and applicable sales tax.

- *d. One new 15' van to be used for transporting prisoners as requested by the Police Department.

The Purchasing Division recommends accepting the low bid by Specialty Vehicles & Equipment at \$26,249.99 plus 7.2% sales tax of \$2,610.00 for a total of \$38,859.99.

- *e. Two spread spectrum microwave radios as requested by the Communications Division.

The Purchasing Division recommends accepting the low bid by Wireless Professional Communication Services, Inc. at \$16,794.00 plus 5% use tax of \$839.70 for a total of \$17,633.70.

- *f. 1900 replacement folding chairs and related spare parts for the Mesa Community and Conference Center.

The Purchasing Division recommends accepting the bid by Lofgreen's Inc. at \$106,824.00 plus 7.2% sales tax of \$7,475.33 for a total of \$111,299.33

- *g. Southeast Police and Fire Substation Erosion Control. City of Mesa Project No. 97-56.4.

This project consists of the repair and upgrading of storm water retention facilities at the Southeast Police and Fire Substation located at 2430 South Ellsworth Road.

Recommend award to low bidder, Rummel Construction, Inc., in the amount of \$13,092.00.

- *h. Upgrade of Sulfide Control Stations. City of Mesa Project No. 96-87.

This project consists of improvements to four existing sulfide control stations on Mesa's sanitary sewer system.

Recommend award to low bidder, Agate, Inc., in the amount of \$306,100.00.

- i. Williams Gateway Wastewater Lift Station (Phase II). City of Mesa Project No. 98-59.1.

This project consists of the installation of a sewer lift station adjacent to the existing sewer treatment plant for Williams Gateway Airport located on the southeast corner of Power Road and Pecos Road.

Recommend award to low bidder, RDH Environmental Services, in the amount of \$284,984.58.

Councilmember Jaffa 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 Giles, seconded by Councilmember Pomeroy, that the recommendation of staff be approved.

Upon tabulation of votes, it showed:

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

- *j. Police Gun Range Improvements. City of Mesa Project No. 99-108.

This project consists of the improvements to the earthen berms at the Police Gun Range located at 2550 North Center Street.

Recommend award to low bidder, Archon, Inc., in the amount of \$66,999.50.

6. Introduction of the following ordinances and setting April 3, 2000 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. **A98-8** Annexing Maricopa County right-of-way for Recker Road from Evergreen Street to Adobe Road.

- *b. **A00-2** Annexing the southeast corner of Power and Warner Roads (83.95± acres).

7. Consider the following resolutions:

- *a. Authorizing the City Manger to execute an Intergovernmental Agreement between the Arizona Department of Revenue and the City of Mesa, allowing taxpayers to apply for a State of Arizona sales tax license when applying for a City sales tax license – Resolution No. 7479.
- *b. Authorizing submitting a grant application to the Local, Regional and State Parks Funds program to help fund the development of Enid Park located at 5319 E. Enid Avenue – Resolution No. 7480.
- *c. Authorizing submitting a grant application to Local, Regional and State Parks Funds program to help fund the development of Augusta Ranch Park located at 9455 E. Neville Avenue – Resolution No. 7481.
- *d. Approving the stipulation and order for judgment in the Central Arizona Water Conservation District v. United States of America Action – Resolution No. 7482.
- *e. Authorizing the City Manager to execute documents to apply for funding for CDBG/HOME/ESG Projects (Community Development Block Grant, HOME Investment Partnerships Program, Emergency Shelter Grant) for FY 2000/2001 funding – Resolution No. 7483.
- *f. Extinguishing a Drainage and Preservation Easement on Lot 25, Mesa Desert Heights – Resolution No. 7484.

This Drainage and Preservation Easement is no longer being used and is in conflict with the construction of a residential home.
- *g. Extinguishing a Public Utility and Facilities Easement at 463 South Alma School Road – Resolution No. 7485.

This Easement is in conflict with the construction of a new elementary school building.
- h. Approving the proposed rate adjustment for the Mesa Town Center Improvement District No. 228 – Resolution No. 7486.

The Mesa Town Center Improvement District provides enhanced municipal services to the original square mile.

Paul Brando, 61 South MacDonald, addressed the Council with regard to this agenda item. Mr. Brando urged the Council to delay approval of the proposed rate adjustment and explained that the City's recent construction project negatively impacted many of the downtown merchants.

Luule Brandofino, 61 South MacDonald, concurred with the remarks of the previous speaker and urged the Council to support the business owners in the Town Center area.

Barry Dickerson, 30 West 1st Street, a partner in the law firm of Udall, Shumway, Blackhurst, Allen & Lyons, P.C., addressed the Council concerning this issue. Mr. Dickerson expressed the opinion that the 10% assessment fee on multi-level buildings is inappropriate and vague regarding the

manner in which the City will compute and apply the assessment uniformly throughout the Mesa Town Center District. Mr. Dickerson also commented that the language of the proposal requires additional clarification.

Mayor Brown expressed appreciation to those citizens who provided input relative to this issue and stated that he respects the opinions of everyone involved in this issue.

Mayor Brown and Councilmembers Hawker, Jaffa and Pomeroy indicated that they had a potential conflict of interest in connection with the matter now under discussion which they wanted recorded in the minutes of the meeting.

In response to a question from Mayor Brown relative to the fact that a majority of the Council have declared possible conflicts of interest and will not vote on this issue, City Attorney Neal Beets advised that in accordance with State law, the Council has a responsibility and obligation to take action and therefore, the members of the Council who had declared possible conflicts of interest must be directed to vote in order to break the deadlock and reach a consensus.

Councilmember Davidson expressed appreciation to the Mesa Town Center Improvement District, and in particular Vince DiBella and Tom Verploegen, for their tireless efforts in bringing new businesses to the downtown area. Councilmember Davidson also noted that this is the first rate increase since the District was established 15 years ago and said the proposal is fair and warranted. Councilmember Davidson suggested that a periodic assessment, generated by the Mesa Town Center Corporation, be provided to the local merchants to keep them abreast of its performance.

Mayor Brown also expressed appreciation for the Mesa Town Center Corporation, but added he would oppose the rate adjustment. Mayor Brown remarked that in the future, the Council should examine the possibility of separating the City and the Mesa Town Center District into two entities.

Councilmembers Hawker and Jaffa and Vice Mayor Giles concurred with Councilmember Davidson's remarks and indicated they would vote in support of the proposal.

It was moved by Councilmember Davidson, seconded by Councilmember Kavanaugh, that Resolution No. 7486 be adopted.

Upon tabulation of votes, it showed:

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

Mayor Brown declared the motion carried by majority vote and Resolution No. 7486 adopted.

7.1 Consider concurring with the recommendation of the City manager for the appointment of Personnel Director.

Councilmember Kavanaugh stated that he concurred with the recommendation of the City Manager that Sheryl Currell be appointed Personnel Director for the City of Mesa. Councilmember Kavanaugh remarked that Ms. Currell will bring a vast array of education, training and experience to the position and is an excellent choice.

Mayor Brown and Vice Mayor Giles both expressed their support of the recommendation.

It was moved by Councilmember Kavanaugh, seconded by Vice Mayor Giles, that the recommendation of the City Manager that Sheryl Currell be appointed Personnel Director for the City of Mesa be approved.

Carried unanimously.

Mayor Brown congratulated Ms. Currell on her appointment.

7. This item was deleted from the agenda.

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

- *a. Recommend that the City enter into a 120-day exclusive negotiation period with ILR, Inc. for the redevelopment of Site 21.
- *b. Recommend that the City enter into a 120-day negotiation period with Lenhart's Ace Hardware and Palm Court Investments for the redevelopment of Site 24.

8. Consider the following cases from the Planning and Zoning Board and possible adoption of the corresponding ordinances:

- *a. **Z00-02** The southwest corner of Southern Avenue and Crismon Road. Rezone from R1-43 and R1-43 DMP (conceptual PEP and M-1) to C-2 (13± acres). This case involves the development of a retail shopping center. Kevin Carlson, owner; Jason Morris, applicant – Ordinance No. 3755.

P&Z Recommendation: Approval with conditions (Vote: Passed 6-0).

1. Compliance with the basic development/concept shown on the site plan submitted.
2. Review and approval by the Planning and Zoning Board, Design Review Board and City Council of future development plans.

- *b. **Z00-07** The northeast corner of Warner and Power Roads. Rezone from County AD III to M-1 PAD with an AF overlay (81± acres). This case involves the establishment of City zoning on recently annexed property. City of Mesa, applicant – Ordinance No. 3756.

P&Z Recommendation: Approval with conditions (Vote: Passed 6-0).

1. Compliance with stipulations established by the Maricopa County Board of Supervisors for Country Zoning Case Z98-95.
2. Review and approval by the Planning and Zoning Board, Design Review Board and City Council of future development plans not associated with County Zoning Case Z98-95.
3. Compliance with all City development codes and regulations for the area approved under County Zoning Case Z98-95.
4. Owner granting an Avigation Easement and Release to the City, pertaining to Williams Gateway Airport which will be prepared and recorded by the City.

- *c. **Z00-08** 1922 South 74th Street. Rezone from R-4 to C-2 (1.4± acres). This case involves the expansion of the existing pro-shop at Desert Sands Golf Course. Blaine Kennedy, owner; Michael White, applicant – Ordinance No. 3757.

P&Z Recommendation: Approval with conditions (Vote: Passed 6-0).

1. Compliance with the basic development as shown on the site plan and elevations submitted, except as noted below.
2. Compliance with all City development codes and regulations.
3. Compliance with all requirements of the Public Works Department (Engineering and Traffic Engineering, etc.).

- *d. **Z00-09** The 4500 block of East Baseline Road - north side. Rezone from M-1 to M-1-PAD (5± acres). This case involves the development of an office complex. UTAZ Development, owner; Robert Kubicek Architects, applicant – Ordinance No. 3758.

P&Z Recommendation: Approval with conditions (Vote: Passed 6-0).

1. Compliance with the basic development as described in the project narrative and as shown on the site plan, preliminary plat and elevations submitted, except as noted below.
2. Compliance with all City development codes and regulations.
3. Compliance with all requirements of the Public Works Department (Engineering and Traffic Engineering, 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. Recordation of cross-access easements.
7. Compliance with all requirements of the Design Review Board.

- *e. **Z00-10** 223 East Brown Road. Rezone from O-S to C-2 (1.8± acres). This case involves the conversion of a bank building for use as a restaurant. Fitch/Nesbitt Family Limited Partnership, owner; Thomas Nesbitt, applicant – Ordinance No. 3759.

P&Z Recommendation: Approval with conditions (Vote: Passed 6-0).

1. Compliance with the basic development as shown on the site plan submitted, except as noted below.
2. Compliance with all City development codes and regulations.
3. Compliance with all requirements of the Public Works Department (Engineering and Traffic Engineering, etc.).
4. Compliance with all requirements of the Design Review staff including review of existing landscaping.

- *f. **Z00-13** 215 South Power Road ("Power Road Medical Village, Lot 5). Site Plan Review (2.5± acres). This case involves the development of medical offices. John Perkinson, owner/applicant – Ordinance No. 3760.

P&Z Recommendation: Approval with conditions (Vote: Passed 6-0).

1. Compliance with the basic development as described in the project narrative and as shown on the site plan and elevations submitted, except as noted below.
2. Compliance with all City development codes and regulations.
3. Compliance with all requirements of the Public Works Department (Engineering and Traffic Engineering, etc.).
4. Compliance with all requirements of the Design Review Board.

10. Consider the following subdivision plat:

- *a. "MAP OF DEDICATION FOR LAS SENDAS MOUNTAIN DRIVE PHASE II" – The 8000-8400 blocks of East Las Sendas Mountain Drive (both sides) Sonoran Desert Holdings, L.L.C., developer; Wood, Patel and Associates, engineer.

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

Mayor Brown advised that there were no items from citizens present.

12. Adjournment.

Without objection, the Regular Council Meeting adjourned at 6:45 p.m.

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 3rd day of April 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