

COUNCIL MINUTES

March 3, 1997

The City Council of the City of Mesa met in a Study Session in the lower level meeting room of the Council Chambers, 57 East 1st Street, on March 3, 1997, at 5:16 p.m.

COUNCIL PRESENT

Mayor Wayne Brown
Pat Gilbert
John Giles
Dennis Kavanaugh
Joan Payne
Wayne Pomeroy
Jim Stapley

COUNCIL ABSENT

None

STAFF PRESENT

C.K. Luster
Wayne Balmer
Neal Beets
Mark Coon
Linda Crocker
John Geier
Joe Holmwood
Mike Hutchinson
Lars Jarvie
Barbara Jones
Harry Kent
Wayne Korinek
Ron Krosting
Larry Lines
Rich Lorig
Jeff Martin
Keith Nath
John Oliver
Ellen Pence
Les Portee
Bryan Raines
Tom Remes
Becky Richardson

STAFF PRESENT (CONT.)

Denise Samuel
Sharon Seekins
Debbie Vickman
Bob White
Mindy White
Paul Wilson
Ralph Wisz
Mark Woodward
Larry Woolf

OTHERS PRESENT

Kirby Allen
Ken Basham
Vince Marano
Chris Moeser
Dan Nowicki
Vern Payne
Marilyn Wennerstrom
Others

1. Hear and consider a report on a public meeting for the proposed widening of the intersection of Alma School and Guadalupe.

Engineering Design Director Keith Nath informed Council that on February 13, 1997, staff held a public meeting to obtain input from citizens regarding the expansion of the intersection of Alma School and Guadalupe Roads from two through lanes in each direction with a single left turn lane to three through lanes in each direction with double left turn lanes. Mr. Nath stated that approximately 50 people attended the meeting. Mr. Nath advised the Council that the

main concerns expressed by business owners whose properties are located at the intersection include reduction of parking spaces, landscaping, and business access both during and after construction. Mr. Nath added that the main concerns from residents were timing, and proceeding as quickly as possible. Mr. Nath explained that the project was well received and requested approval from Council to proceed.

In response to questions from Vice Mayor Gilbert, Mr. Nath said that concern was noted regarding the alignment of commercial property on the south side of the street, which was located to avoid the Salt River Project well site. Mr. Nath noted that 30 parking spaces would be lost on the northwest corner and 20 on the southwest corner of that intersection. Mr. Nath pointed out that a detailed report has not been developed regarding mitigating the impact of the number of lost parking spaces.

Vice Mayor Gilbert recommended that staff consider alternate options to ensure that maximum parking spaces are preserved for businesses in the area.

Mr. Nath advised that 300 parking spaces currently exist. Mr. Nath informed the Council that a commercial strip mall and storage unit that parallels Alma School Road will be impacted the most in terms of lost parking spaces.

In response to a question from Councilmember Giles, Mr. Nath said that staff is analyzing landscaping options.

It was moved by Councilmember Stapley, seconded by Councilmember Giles that staff proceed with widening the intersection of Alma School and Guadalupe Roads.

Carried unanimously.

Mayor Brown thanked Mr. Nath for the presentation and asked that staff research the possibility of decreasing the number of eliminated parking spaces.

2. Consider appointments to the Judicial Nominating Committee.

City Manager Charles Luster briefly discussed recommended appointments to the Judicial Nominating Committee.

It was moved by Councilmember Stapley, seconded by Councilmember Kavanaugh, that the Council concur with the recommendations and the appointments be confirmed.

Upon tabulation of the votes, it showed:

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

Mayor Brown declared the motion carried by majority vote.

3. Acknowledge receipt of minutes of meetings of various boards and committees.

- a. Traffic Safety Committee meeting - February 25, 1997.

It was moved by Councilmember Giles, seconded by Councilmember Pomeroy, that receipt of the above listed minutes be acknowledged.

Carried unanimously.

4. Hear reports on meetings and/or conferences attended.

There were no reports or meetings and/or conferences attended to report on at this time.

5. Scheduling of meetings and general information.

City Manager Charles Luster advised that the meeting schedule is as follows:

Thursday, March 6, 1997, 4:00 p.m. - Policy Session

Thursday, March 13, 1997, 7:30 a.m. - Breakfast Meeting with the Mesa School Board (Superstition Room, Rendezvous Center)

Friday, March 14, 1997, 7:30 a.m. - Study Session

Vice Mayor Gilbert spoke regarding an article in the March 1997 Intercom entitled "Modern blacksmith praised for his genius, artistic abilities." Vice Mayor Gilbert questioned whether the City has a program that would assist the inventor in acquiring a patent for the invention.

City Attorney Neal Beets discussed difficulties associated with securing patents on items such as the one currently under discussion.

6. Review items on the agenda for the March 3, 1997, Regular Council Meeting.

All of the agenda items were reviewed among the Council and staff, with no formal action taken. There was particular discussion with regard to the following agenda items:

5. Consider the following contracts:

- *c. Three computerized polygraph systems as requested by the Police Department.

The Purchasing Division recommends accepting the low bid meeting specification by Axciton Systems, Inc. at \$24,600.00 plus 5% use tax of \$1,230.00 for a total of \$25,830.00.

Police Chief Lars Jarvie informed the Council that prior to employment, police officers and Police Department employees are required to undergo polygraph testing. Chief Jarvie said that the Police Department is requesting three polygraph machines and reported that a backlog

exists in conducting polygraph tests. Chief Jarvie stated the opinion that the added equipment will increase the overall efficiency of the hiring process.

- f. Annual supply contract for inorganic nitrate solution to be used in the City wastewater collection system as requested by the Utility Operations Division.

Recommend accepting the low bid by Vulcan Chemical Technologies, Inc. (VCTI) at \$54,201.00 plus 5% use tax of \$2,710.05 for a total of \$56,911.05.

In response to a question from Councilmember Giles, Mr. Beets stated that staff expended every effort to ensure that the City's interest is protected. Mr. Beets briefly highlighted the basis upon which the second lowest bidder, U.S. Filter/Davis Process is contesting the awarding of the contract.

Vince Marano, representing U.S. Filter/Davis Process, conveyed U.S. Filter's position that the City may purchase nitrate from any source but added that upon the nitrate's introduction into the wastewater, a patented process owned by U.S. Filter occurs. Mr. Marano pointed out that the City's specifications clearly state that the process will occur and that all goods and materials must be free of rightful third party claims of patent infringement. Mr. Marano commented that VCTI has not offered evidence to the City invalidating U.S. Filter's claims.

Discussion ensued relative to U.S. Filter's patented process, licensing, and the fact that the City of Mesa will be indemnified and held harmless.

Vice Mayor Gilbert indicated support of awarding the contract to the low bidder VCTI, and added that two letters have been received from VCTI reaffirming that the City will be held harmless.

- 6. Introduction of the following ordinances and setting March 17, 1997 as the date for the public hearing on these ordinances.
 - *a. Establishing a rate schedule for water utility services for the area previously known as Williams Air Force Base as recommended by the Utility Committee.
 - *b. Establishing a rate schedule for wastewater utility services for the area previously known as Williams Air Force Base as recommended by the Utility Committee.

In response to a question from Vice Mayor Gilbert, Senior Management Assistant Bryan Raines said that staff has discussed the City's inability to accurately meter water usage by the individual users located at the former Williams Air Force Base. Mr. Raines stated that once meters are installed, the City will have the ability to determine individual usage.

- 7. Prescheduled public opinion appearances (Prescheduled appearances will begin at 5:30 p.m.; there will be a maximum of three speakers for five minutes per speaker).

Mayor Brown advised that there were no prescheduled public opinion appearances.

8. Adjournment.

The meeting adjourned without objection at 5:48 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 Study Session of the City Council of Mesa, Arizona, held on the 3rd day of March 1997. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 19th day of March 1997

BARBARA JONES, CITY CLERK