

COUNCIL MINUTES

December 20, 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 December 20, 1999 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

POLICE OFFICER
PRESENT

Marc There

OFFICERS PRESENT

C.K. Luster
Neal Beets
Barbara Jones

The Invocation was given by Dr. James E. Adams, Cornerstone Church.

The Pledge of Allegiance was led by Kim West.

Presentation of plaques to businesses and organizations that assisted during the aftermath of the September storms.

Mayor Brown commented on the community effort that evolved following the recent storm damage in east Mesa and commended various businesses, organizations, and City departments on their generosity, cooperation and willingness to assist those in need both during and following the disaster. Mayor Brown presented plaques in recognition of the efforts expended by the various entities, citizens and staff members and expressed the Council's appreciation to everyone who was involved.

1. Approval of minutes of previous meetings as written.

It was moved by Vice Mayor Giles, seconded by Councilmember Kavanaugh, that the minutes of November 4, 11, and 18 and December 6 and 9, 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. Consider the following liquor license applications:

*a. BERND GLAESER, AGENT

Location transfer Beer and Wine Bar License for Streets of New York, 542 W. Baseline Road, #101. This is a new building, which is currently under construction, no previous liquor license at this location. This transfer is from Streets of New York, 7830 N. 35th Avenue, Phoenix.

*b. MICHAEL J. DONNELLY, AGENT

Person transfer Liquor Store License for Fry's Food & Drug #8, 1244 S. Gilbert Road. This is an existing business. This transfer is from Dennis R. Hood, Agent, Fry's Food Stores of Arizona, Inc.

*c. RICK N. TRUONG, AGENT

New Beer and Wine Store License for M&R Market, 1231 S. Mesa Drive. This is an existing business and building. The Beer and Wine Store License previously held at this location by Ramnik P. Ganatra, Agent, ZPN Investments, LLC, will revert back to the State.

*d. DON W. COFFMAN, AGENT

New Club License for Mesa Moose Lodge 1961, 955 E. Main Street. This is an existing business and building. The Restaurant license previously held at this location will revert back to the State. The Liquor Store license will remain with the previous licensee.

4. Consider the following contracts:

*a. One new triplex mower and three replacement utility vehicles as requested by the Parks, Recreation & Cultural Division.

The Purchasing Division recommends accepting the low bid by Simpson Norton Corp. at \$53,275.00 plus 7.70% sales tax of \$4,102.18 for a total of \$57,377.18.

*b. Election Printing for the 2000 Primary and General Elections as requested by the City Clerk's Office.

The Purchasing Division recommends accepting the low bid by Complete Printing & Mailing, Inc. at \$42,992.00 plus 7.10% sales tax of \$3,052.43 for a total of \$46,044.43 based on estimated requirements.

*c. Two-year supply contract for emergency directional light systems as requested by the Communications Division. These devices will be mounted on the rear deck of patrol vehicles.

The Purchasing Division recommends accepting the low bid meeting specification by Canyon State Emergency Products for annual purchases estimated at \$15,000.00 based on estimated requirements.

*d. Two replacement aerial lift bucket trucks as requested by the Electric Division and the Transportation Division.

The Purchasing Division recommends authorizing an additional purchase option from RFB #98077 with the low bid by Utility Trailer Sales at \$126,350.00 plus 7.0% sales tax of \$8,844.50 for a total of \$135,194.50.

- *e. Modular office work stations, work surfaces and tables for the Central Patrol Building of the Police Department.

The Purchasing Division recommends authorizing purchase from State of Arizona contract with Goodman's Inc. at \$192,970.82 including materials, design services, delivery, installation and applicable sales tax.

- *f. One-year renewal of the annual supply contract for repair clamps as requested by the Materials & Supply Division.

The Purchasing Division recommends exercising the second and final one-year renewal option with the original low bid by Arizona Water Works for annual purchases estimated at \$23,000.00 based on estimated requirements.

- *g. Deleted.

- h. Alma Gardens Trailer Park and Trailer Village Gas Line Replacement. City of Mesa Project 98-14.

This project consists of replacing the gas system at an existing mobile home park located at 530 S. Alma School Road and the installation of a new gas line at 3020 East Main Street.

Recommend award to low bidder, Northern Pipeline Construction Company, in the amount of \$174,542.55.

Councilmember Hawker 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 Councilmember Pomeroy, seconded by Councilmember Kavanaugh, that the recommendation of staff be approved.

Upon tabulation of votes, it showed:

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

Mayor Brown declared the motion carried unanimously by those voting.

- *i. Chaparral and Ellsworth Park Improvements. City of Mesa Project 99-25.

This project consists of improvements to play areas at two existing City parks. The two locations are Chaparral Park located at 1635 N. Gilbert Road and Ellsworth Park located at 107 South Horne.

Recommend award to low bidder, Chaparral Construction, Inc., in the amount of \$256,321.00.

- j. Reed Park Skate Court. City of Mesa Project 99-80.

This project consists of the construction of a skate court within the City's existing Reed Park located at 1631 East Broadway Road.

Recommend award to low bidder, Carson Construction Company, in the amount of \$989,206.20.

Councilmember Hawker 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.

Parks, Recreation and Cultural Director Joe Holmwood provided a brief overview of the proposed project and explained that the proposal includes major renovations to the park in addition to the construction of the skate court. Mr. Holmwood noted that the project is scheduled for completion by May/June 2000.

Councilmember Pomeroy spoke in support of the proposal.

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

Upon tabulation of votes, it showed:

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

Mayor Brown declared the motion carried unanimously by those voting.

- *k. Sidewalk Improvements on North Standage and 1900 East University. City of Mesa Project 00-14.

The purpose of this project is to provide sidewalks for handicapped access at two locations in the City of Mesa.

Recommend award to low bidder, Benchmark Construction, in the amount of \$31,537.46.

- l. Desert Wells Transfer Station TS-5. City of Mesa Project 98-57.

This project consists of the installation of a new potable water transfer station between the Desert Wells and Desert Sage pressure zones.

Recommend award to low bidder, Archon, Inc., in the amount of \$675,000.00.

Councilmember Hawker 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 Kavanaugh, that the recommendation of staff be approved.

Upon tabulation of votes, it showed:

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

Mayor Brown declared the motioned carried unanimously by those voting.

*m. Kleinman Park Improvements. City of Mesa Project 99-13.

This project consists of improvements to the City's existing Kleinman Park located at 710 South Extension.

Recommend award to low bidder, Chaparral Construction, in the amount of \$373,086.85.

n. Williams Gateway Wastewater Sewer Interceptor. City of Mesa Project 98-59.

This project consists of the installation of a new sewer line to the intersection of Power Road and Pecos Road to allow the decommissioning of the existing Williams Gateway sewer treatment plant.

Recommend award to low bidder, C.S.W. Contractors, Inc., in the amount of \$1,333,448.02.

Councilmember Hawker 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.

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 Councilmember Davidson, seconded by Vice Mayor Giles, that the recommendation of staff be approved.

Upon tabulation of votes, it showed:

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

Mayor Brown declared the motion carried unanimously by those voting.

*o. Twenty-five radio modems to support the Computer Aided Dispatch System used by the Fire and Police Departments as requested by the Communications Division.

The Purchasing Division recommends accepting the bid by Motorola to purchase additional radio modems from their original bid of April 26, 1996 at \$66,250.00 plus 7.1% sales tax of \$4,703.75 for a total of \$70,953.75.

- p. South Center Complex Remodel. City of Mesa Project No. 00-51. This project consists of the remodel of office spaces in the City's South Center Complex, located at 200 S. Center Street.

Recommend award to low bidder, MTV General Contractors, in the amount of \$1,405,500.00.

Councilmember Hawker 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 Kavanaugh, that the recommendation of staff be approved.

Upon tabulation of votes, it showed:

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

Mayor Brown declared the motion carried unanimously by those voting.

5. Introduction of the following ordinances and setting January 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 set 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 Title 11, Chapter 6 of the Mesa City Code to allow small animal kennels and small animal grooming as permitted uses in the C-1 and C-2 districts.
- *b. **A98-9** Annexing the northeast corner of Warner and Power Roads.
- *c. **Z99-87** 538 South Robson (.3 acre). Rezone from R-4 to M-1. This case involves the development of an industrial facility with outdoor storage.
- *d. **Z99-98** The northwest corner of Clearview and Hampton Avenues (2.4± acres). Rezone from P.E.P. to M-1 with a Council Use Permit. This case involves the development of a motorcycle sales facility.
- *e. **Z99-108** South and west of the southwest corner Southern Avenue and Ellsworth Road (22± acres). Rezone from AG to R-2-PAD. This case involves the development of a patio home subdivision.

- *f. **Z99-109** The southwest corner of McDowell Road and 90th Street. Rezone from County R1-35-RUPD to City R1-35-PAD (115± acres). This case involves establishment of City zoning on recently annexed property.
- *g. **Z99-110** The northwest and southwest corners of Broadway Road and 90th Street. Rezone from County R1-43, R1-6-RUPD, R-3-RUPD and R-5 to City R1-43, R1-6-PAD and R-2-PAD (76± acres). This case involves establishment of City zoning districts on recently annexed land.
- *h. **Z99-11** 924 North Country Club Drive. Rezone from R-4 to C-2-BIZ (4± acres). This case would change a non-conforming zoning designation for the Marc Center to that which is appropriate and also allow for a three-story building.
- *i. **Z99-113** South of the southeast corner of Greenfield Road and U.S. 60. Site Plan Review (2± acres). This case involves the development of a QuikTrip gas station.
- *j. **Z99-115** 1830 South Alma School Road. Rezone from R1-6 to C-1-PAD (4.5 acres). This case involves the development of an office complex.
- *k. **Z99-99** The 4000 and 4100 blocks of East McDowell Road (north side). Establishment of a PAD overlay (110 acres). This case involves the application of development standards for "The Commons". Various, owner' City of Mesa: Community Development Department, Planning Division, applicants.
- *l. Amending the Model City Tax Code as recommended by the Finance Committee.

6. Consider the following resolutions:

- *a. Extinguishing public utility easements at 2546 East Inca Street – Resolution No. 7452.

These easements are not being used and are in conflict with the construction of a storage shed.

It was moved by Councilmember Davidson, seconded by Councilmember Kavanaugh, that Resolution No. 7452 be adopted.

Carried unanimously.

- b. Approving the Downtown Concept Plan for the Mesa Town Center area – Resolution No. 7453.

Councilmember Jaffa commended those who participated in the development of the Concept Plan but stated the opinion that the proposed construction of a hardware store at the northwest corner of Main Street and Country Club Drive is inappropriate based on the fact that this location is a major "entrance" into the Town Center.

Councilmember Kavanaugh commended staff, the citizens, and the consultant on their efforts to produce the proposal.

Councilmember Hawker noted that portions of the proposal, such as 'artist studios,' are only concepts at this point in time and may be revised at a future date should higher priorities be identified.

It was moved by Councilmember Davidson, seconded by Councilmember Kavanaugh, that Resolution No. 7453 be adopted.

Carried unanimously.

7. Considering the following ordinance:

- *a. Pertaining to the regulation of recovery homes and group homes for the handicapped, repealing the recovery home license and establishing a business license for group homes for the handicapped not otherwise licensed by a state or federal agency by amending Chapter 2, Title 5 of the Mesa City Code; deleting the definition of recovery home thereby regulating such facilities as group homes for the handicapped in the zoning ordinance, by amending Chapters 1, 5, 8, and 13 of Title 11 of the Mesa City Code and providing penalties for the violation thereof.

It was moved by Vice Mayor Giles, seconded by Councilmember Kavanaugh, that this matter be continued to the January 18, 2000 Regular Council Meeting.

Carried unanimously.

8. Consider the following items relating to an Ethics Code and Handbook and proposed Charter amendments.

- a. Resolution adopting a mandatory Ethics Code and Handbook for elected officials and advisory board members, subject to approval of the voters of certain City Charter changes – Resolution No. 7454.

Marilynn Wennerstrom, 1112 North Center Street, spoke in opposition to the placement of the proposed Charter amendment on the ballot of the upcoming March 14, 2000 election and expressed the opinion that the issue requires additional consideration and refinement.

Kirby Allan, a resident of Mesa, also spoke in opposition to the placement of this issue on the ballot and discussed personal legal issues he previously pursued against the Board of Realtors.

Mayor Brown thanked Ms. Wennerstrom and Mr. Allan for their input.

Councilmember Kavanaugh expressed appreciation to City Attorney Neal Beets for his efforts to assist in the development of the Ethics Code and Handbook and thanked the members of the Council for their willingness to openly discuss and arrive at mutually agreeable compromises that addressed concerns previously expressed.

Councilmember Pomeroy spoke in support of the adoption of the proposal and stated that the document, if approved by the voters, will represent an important addition to the City Charter.

Councilmember Hawker commented on the extensive efforts that have been expended to develop the current proposal. Councilmember Hawker added that the original authors of the City Charter did not experience the type of behavior that occurs today and added that the proposal is necessary and appropriate.

Mayor Brown commended everyone involved on their efforts.

It was moved by Councilmember Kavanaugh, seconded by Councilmember Pomeroy, that Resolution No. 7454 be adopted.

Carried unanimously.

- b. Ordinance proposing that the voters consider amendments to the Mesa City Charter; amending Section 206 of the City Charter to clarify when Councilmembers can be disciplined or forfeit their office; amending Section 207 pertaining to fitness for office; establishing penalties for violations; and submitting these proposed Charter amendments to the voters for their consideration.

It was moved by Vice Mayor Giles, seconded by Councilmember Kavanaugh, that this item be reintroduced at the January 3, 2000 Regular Council Meeting for consideration and possible adoption at the Tuesday, January 18, 2000 Regular Council Meeting.

Carried unanimously.

9. Items from citizens present.

Kirby Allan, a citizen of Mesa discussed the condition of the City's water supply based on tests he has conducted and stated the opinion that the water is unhealthy, contains excessive contaminants and should be immediately tested and improved. Mr. Allan also expressed the opinion that the addition of fluoride to the City's drinking water supply constitutes "forced medicine on Mesa's citizens" and urged the Council to cease this process.

Mayor Brown thanked Mr. Allan for his comments.

10. Adjournment.

Without objection, the Regular Council Meeting adjourned at 6:51 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 20th day of December 1999. 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