

COUNCIL MINUTES

July 24, 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 July 24, 2000 at 5:45 p.m.

COUNCIL PRESENT

Mayor Keno Hawker
Jim Davidson
Bill Jaffa
Pat Pomeroy
Claudia Walters
Mike Whalen

COUNCIL ABSENT

Dennis Kavanaugh

OFFICERS PRESENT

Mike Hutchinson
Neal Beets
Barbara Jones

Mayor Hawker excused Councilmember Kavanaugh from the meeting.

The Invocation was given by Councilmember Pomeroy.

The Pledge of Allegiance was led by Sterling Wall, Keno Junior High School.

Recognition of the Mesa Fire Department for their participation in the SAFE KIDS Coalition of Maricopa County.

Fire Chief Dennis Compton presented Mayor Hawker and the members of the Council with the Desert Peaks Award that was presented to the Mesa Fire Department in recognition of their participation in the SAFE KIDS Coalition of Maricopa County. Chief Compton commended members of staff present in the audience who were involved in accomplishment, including Assistant Fire Chief Bob DeLeon and Fire Community Safety Coordinator Laura May, and expressed appreciation to the Council for their continuing support.

Mayor Hawker commended the members of the Fire Department for their efforts and congratulated them on the award presentation.

1. Approval of minutes of previous meetings as written.

It was moved by Councilmember Pomeroy, seconded by Vice Mayor Davidson that the minutes of the July 7, 10 and 12, 2000 Study Session and Regular Council meetings be approved as amended.

Upon tabulation of votes, it showed:

AYES - Davidson-Giles-Jaffa-Pomeroy-Whalen-Walters
NAYS - None
ABSENT - Kavanaugh

Mayor Hawker declared the motion carried unanimously by those present.

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 Jim Davidson, seconded by Councilmember Pomeroy that the consent agenda items be approved.

Mayor Hawker declared the motion carried unanimously by those present.

3. Consider the following liquor license applications.

*a. RONALD PAUL BIGELOW, AGENT

Person transfer Beer and Wine Bar License for Blue Adobe Grille, 144 N. Country Club Drive. This is an existing business. This transfer is from Zina F. Vallone, Agent, Taliano's, 144 N. Country Club Drive.

*b. MITCHELL J. FOX, AGENT

New Beer and Wine Store License for Cigarette & Cigar Outlet, 2753 E. Broadway Road, A-109. This is an existing business, no previous liquor licenses at this location.

*c. KENNETH ZARNOWIEC, AGENT

New Beer and Wine Store License for Phillips 66, 2760 E. Baseline Road. This is a new business, which is currently under construction, no previous liquor licenses at this location.

d. KENNETH ZARNOWIEC, AGENT

New Beer and Wine Store License for Phillips 66, 1535 S. Val Vista Drive. This is a new business, which is currently under construction, no previous liquor licenses at this location.

Edward Martinez, 1434 South 37th Street, a homeowner in the vicinity of the proposed Phillips 66 Station, stated the opinion that a sufficient number of stores that sell liquor already exist in the area and urged the Council not to recommend approval of the license.

Clyde Fruchey, 1435 South 37th Street, informed the members of the Council that he lives in close proximity to the business that is currently under construction and stated the opinion that the issuance of the license will negatively impact property values in the area. Mr. Fruchey expressed concerns that a park in the area will become a "hangout" for people who have purchased liquor at the Phillips 66 Station and commented on the importance of protecting the safety and quality of life of the neighbors who live in that area.

In response to a question from Councilmember Jaffa, Mr. Fruchey stated that he has spoken with several neighbors relative to this issue and they concur with the opinions he has expressed at this meeting.

Councilmember Jaffa expressed concerns relative to the businesses' close proximity to a residential area.

City Attorney Neal Beets responded to a question from Councilmember Walters and noted that the issuance of the requested license would not violate any current "close proximity" issues and advised that only playgrounds that are connected to school facilities are governed by those regulations.

It was moved by Vice Mayor Davidson, seconded by Councilmember Whalen, that the recommendations of staff be approved.

Mr. Mizner informed the Council that plans are being developed for the construction of an assisted living facility behind the station. Mr. Mizner added that the applicant completed the zoning process and said that no opposition was raised during that time. Mr. Mizner pointed out that liquor license issues are not addressed during the zoning process. Mr. Mizner informed the Council that he believes the park referred to by the speaker is actually a retention basin area that is utilized by the neighborhood as a park area.

Ken Zarnowic, 2940 East Cathy Drive, Gilbert, representing the Phillips 66 Company, spoke in favor of the issuance of the license and stated that residents' concerns centered around rumors that a strip mall would be constructed behind the station. Mr. Zarnowic advised that the property has been sold and will be the site of an assisted living facility, which should address a majority of the neighbors' concerns.

Vice Mayor Davidson stated that he appreciates the input of the neighbors but noted that the area does not contain a high number of businesses that hold liquor licenses. Vice Mayor Davidson added that the applicant has gone through the required process and the parcel is zoned for this use.

It was moved by Vice Mayor Davidson, seconded by Councilmember Whalen, that the Council recommend approval of the requested license.

Councilmember Jaffa commented that he cannot support the motion.

Upon tabulation of votes, it showed:

AYES - Hawker-Davidson-Walters-Whalen
NAYS - Jaffa-Pomeroy
ABSENT - Kavanaugh

Mayor Hawker declared the motion carried by majority vote by those present.

*e. DENNY R. SIRRINE, AGENT

New Restaurant License for Rancho de Tia Rosa, 3129 E. McKellips Road. This is an existing building, no previous liquor licenses at this location.

*f. MARY E. MELLO, AGENT

New Restaurant License for Sidekicks, 6915 E. University Drive. This is an existing business. The Restaurant license previously held at this location by Mark Covert, Agent, Sidekicks Steakhouse & Saloon never renewed their liquor license for 2000.

4. Consider the following contracts.

- a. Mesa Fire Station No. 16. City of Mesa Project No. 99-85.

The area in the vicinity of McDowell Road and 80th Street is developing. The purpose of this project is to meet the challenges of growth. The Fire Department has a program to expand and build new facilities to keep up with the growth.

Recommend award to low bidder, the Tyree Organization, in the amount of \$1,450,558.38.

Mayor Hawker and Councilmember Jaffa indicated that they had potential conflicts of interest in connection with the matter now under discussion which they wanted recorded in the minutes of the meeting, and because of such conflicts of interest, they would refrain from voting upon or otherwise participating in any manner in connection with same.

Mayor Hawker yielded the gavel to Vice Mayor Davidson for action on this agenda item.

Assistant Fire Chief Paul Wilson and Management Assistant Dorinda Larsen highlighted a brief presentation of this agenda item for the benefit of the audience.

It was moved by Councilmember Pomeroy, seconded by Councilmember Walters, that the recommendations of staff be approved.

Upon tabulation of votes, it showed:

AYES -	Davidson-Pomeroy-Walters-Whalen
NAYS -	None
ABSTAIN -	Hawker-Jaffa
ABSENT -	Kavanaugh

Vice Mayor Davidson declared the motion carried unanimously by those present and voting.

With action on this agenda item being completed, Vice Mayor Davidson yielded the gavel to Mayor Hawker.

- *b. Apache Lift Station Improvements. City of Mesa Project No. 98-54.

This project will rehabilitate the sewage lift station located at 9124 East Main Street.

Recommend award to low bidder, CRA, Inc., in the amount of \$91,723.00.

- c. Greenfield Youth Sportsplex. City of Mesa Project No. 00-60.

The purpose of this project is to construct a community park in the vicinity of Greenfield and McDowell Roads. The location of the proposed facility is shown on the attached Exhibit A.

Recommend award to low bidder, Norquay Construction, Inc., in the amount of \$4,584,362.34.

Mayor 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.

Mayor Hawker yielded the gavel to Vice Mayor Davidson for action on this agenda item.

Community Services Manager Wayne Korinek and Engineering Design Director Peter Knudson highlighted a brief presentation on this agenda item for the benefit of the audience.

Discussion ensued among the members of the Council relative to the proposed project, the amenities that will be included in the project, the benefits to be realized from this type of infrastructure and the fact that a dog run area is being developed in response to requests for such an area from residents in the City.

It was moved by Councilmember Walters, seconded by Councilmember Jaffa, that the recommendations of staff be approved.

Upon tabulation of votes, it showed:

AYES -	Davidson-Jaffa-Pomeroy-Walters-Whalen
NAYS -	None
ABSTAIN -	Hawker
ABSENT -	Kavanaugh

Vice Mayor Davidson declared the motion carried unanimously by those present and voting.

With action on this agenda item being completed, Vice Mayor Davidson yielded the gavel to Mayor Hawker.

*d. South Water Reclamation Plant Re-circulation Piping and Valving Modifications. City of Mesa Project No. 96-08.2.

The City of Mesa and the Town of Gilbert are partners on the South Water Reclamation Plant located on Greenfield Road south of Germann Road. This project will install piping and valving modifications on the odor control equipment to improve the performance of the regional sewer treatment plant which currently operates as a lift station.

Recommend award to low bidder, Felix Construction Co., in the amount of \$48,775.00.

5. Introduction of the following ordinances and setting August 1, 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. Amending various sections of the City of Mesa Personnel Rules.

6. Consider the following resolutions.

- *a. Authorizing the City Manager to execute an Intergovernmental Agreement between the Town of Gilbert and the City of Mesa for cost-sharing the street improvement costs for Baseline Road from Horne to the Consolidated Canal, City of Mesa Project #98-41. - Resolution No. 7543.
- *b. Authorizing the City Manager to execute a communication system license issued to Williams Communications, Inc., to place a communications system under, in, along, over and across public highways, public streets, and public utility easements in the City of Mesa. - Resolution No. 7544.
- *c. Authorizing the City Manager to execute Amendment #1 to Mesa's Hohokam water Central Arizona Project (CAP) subcontract to effectuate the effluent exchange contract between Mesa, the Gila River Indian Community, and the Roosevelt Water Conservation District. - Resolution No. 7545.
- *d. Authorizing the City Manager to execute Amendment #6 to Mesa's Central Arizona Project (CAP) subcontract to effectuate the effluent exchange contract between Mesa, the Gila River Indian Community, and the Roosevelt Water Conservation District. - Resolution No. 7546.
- *e. Approving and authorizing the City Manager to execute an agreement between the City of Mesa and Mesa Town Center Corporation for parking management services. - Resolution No. 7547.

7. Consider the following ordinances.

- *a. **CZ00-002TC** Rezoning of property for a BIZ overlay district on vacant parcels currently zoned TCB-1 and R-2 for a four-unit town house project located at 420 N. Drew Street. - Ordinance No. 3802.
- *b. Amending Title 9, of the Mesa City Code, by repealing Chapter 12, relating to the "Customer Responsibilities in the Mesa Public Library." - Ordinance No. 3803.

*8. Consider write-off of utility and miscellaneous accounts in the amount of \$243,223.00.

9. Consider the following subdivision plat:

- *a. "MCDOWELL RIDGE" The 6400 block of East McDowell Road (north side) 7 R1-9 single residence lots (2.50 ac) Middleton Construction, Inc., owner; Coen Engineering, engineer.
- *b. "GLENWOOD PARKE" The 2500 block of North 24th Street (east side) 36 R1-15 PAD single residence lots (22.10 ac.) Santa Clarita Groves, L.L.C., owner; Infinity Engineering Services, Ltd., engineer.
- *c. "DOVER INDUSTRIAL PARK - UNIT TWO - AMENDED" The 3000 - 3200 blocks of North Greenfield Road (west side) 9 M-1 industrial lots (33.17 ac.) Dover Associates, L.L.C., developer; Coen Engineering, engineer.

10. Items from citizens present.

Mayor Hawker stated that there were no items from citizens present.

11. Adjournment.

Without objection, the Regular Council Meeting adjourned at 6:28 p.m.

KENO HAWKER, 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 24th day of July 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