

COUNCIL MINUTES

October 22, 2001

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 October 22, 2001, at 5:45 p.m.

COUNCIL PRESENT

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

COUNCIL ABSENT

None

OFFICERS PRESENT

Mike Hutchinson
Barbara Jones

The Invocation was given by Reverend Dr. Skip Hughes, First Christian Church, Disciples of Christ.

The Pledge of Allegiance was led by Colton Porter and Jesse Porter, Boy Scout Troup #335.

1. 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 with an asterisk (*) were approved with one Council action.

Mayor Hawker stated that item 4a would be removed from the consent agenda due to a request to speak concerning the item.

It was moved by Vice Mayor Davidson, seconded by Councilmember Kavanaugh, that the consent agenda items be approved.

Carried unanimously.

*2 Approval of minutes of previous meetings as written.

Minutes from the September 20, 2001 and October 8, 2001 Council meetings.

3. Consider the following liquor license application:

*a. GAGANDEEP SANDHU, INDIVIDUAL

New Beer and Wine Store License for 7-Eleven #19613D, 2010 W. Guadalupe Road. This is an existing business and building. The Beer and Wine Store License previously held at this location by William K. Alber, Agent, Alber Enterprises Inc. will revert back to the State.

*b. KUO-CHI CHANG, AGENT

New Restaurant License for China Lite, 1935 S. Val Vista Drive #3&4. This is a new business, which is currently under construction. No previous liquor licenses at this location.

3.1. Consider the appointment of a City Attorney.

Vice Mayor Davidson commented on the role of the City Attorney and the recent application and selection process for this position. Vice Mayor Davidson stated that Deborah J. Spinner was selected as the new City Attorney and he commented on Ms. Spinner's credentials and experience.

It was moved by Vice Mayor Davidson, seconded by Councilmember Kavanaugh, that Deborah J. Spinner be appointed City Attorney for the City of Mesa at an annual salary of \$125,000.

Councilmembers Jaffa, Kavanaugh, Pomeroy and Walters congratulated Ms. Spinner and commented on the quality of candidates considered for the position.

Councilmember Whalen also congratulated Ms. Spinner and voiced appreciation to the selection committee for their efforts. Councilmember Whalen commended current staff candidates for their participation in the process.

Mayor Hawker concurred with the previous comments and discussed the important role of the City Attorney.

Carried unanimously.

Ms. Spinner addressed the Council and stated that she is honored to have been selected as Mesa's City Attorney and that she looks forward to working with existing staff members to provide the City with top quality legal representation.

Mayor Hawker thanked Interim City Attorney Joe Padilla for his efforts throughout the selection process.

4. Consider the following contracts:

- a Two-year supply contract for pre-assembled 3/4" anodeless service risers for Materials & Supply Division warehouse inventory as requested by Utility Construction.

The Purchasing Division recommends accepting the low bid meeting specification by Central Plastics Company at \$104,836.72 based on estimated annual requirements.

Marko Lazo Vandevier, 1005 S. Garnet Avenue, addressed the Council and voiced opposition to the City awarding contracts for periods in excess of one year. He said that long-term contracts diminish the ability of small businesses to compete for City contracts.

Purchasing Director Sharon Seekins stated that the City began utilizing two-year contracts for frequently purchased items approximately two years ago. She noted that longer-term contracts have proved beneficial to most suppliers in that it improves their ability to secure loans/financing. Ms. Seekins also commented on the bid process and reported that staff's recommendation in this matter reflects a favorable recommendation from the Utilities Department.

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

Carried unanimously.

- *b. Landscape maintenance services for parks and retention basins, in an area designated as Zone 6, as requested by the Parks & Recreation Division.

The Purchasing Division recommends accepting the overall low bid by Bowen's Horticulture at \$248,955.00 based on estimated annual requirements.

- *c. Two-year supply contract for Lycofast mechanical couplings for Materials & Supply Division warehouse inventory as requested by Utility Construction.

The Purchasing Division recommends accepting the bid by R. W. Lyall & Company, Inc. at \$148,218.62 based on estimated annual requirements. **(Sole Source)**

- *d. Kleinman Park Lighting Replacement – Phase I, 710 South Extension – CDBG Funds #8172 – City of Mesa Project No. 00-34.

This project enhances Kleinman Park, an existing park, through the addition of lighting for the children's play area, paths near the playground and restrooms, and volleyball courts.

Recommend award to low bidder, CS Construction, in the amount of \$59,035.50 plus an additional \$5,903.55 (10% allowance for change orders) for a total award of \$64,939.05. (CDBG Funds #8172).

- e. 2000/2001 Crack Sealing Project (West). Arterial, Collector and Residential Streets, Parking Lots, paved Alleys and Intersections. City of Mesa Project No. 02-64.

This project will crack seal pavement surfaces throughout Mesa west of Greenfield Road.

Recommend award to low bidder, Cholla Pavement Maintenance, Inc., in the amount of \$626,048.95 plus an additional \$62,604.90 (10% allowance for change orders) for a total award of \$688,653.85.

Mayor Hawker declared a potential conflict of interest and refrained from discussion/participation in this agenda item.

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

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

Upon tabulation of votes, it showed:

AYES - Davidson-Jaffa-Kavanaugh-Pomeroy-Walters-Whalen
ABSTAIN - Hawker

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

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

- f. 2000/2001 Crack Sealing Project (East). Arterial, Collector and Residential Streets, Parking Lots, Paved Alleys and Intersections. City of Mesa Project No. 02-64.1.

This project will crack seal pavement surfaces throughout Mesa east of Greenfield Road.

Recommend award to low bidder, Cholla Pavement Maintenance, Inc., in the amount of \$469,845.64, plus an additional \$46,984.56 (10% allowance for change orders) for a total award of \$516,830.20.

Mayor Hawker declared a potential conflict of interest and refrained from discussion/participation in this agenda item.

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

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

Upon tabulation of votes, it showed:

AYES - Davidson-Jaffa-Kavanaugh-Pomeroy-Walters-Whalen
ABSTAIN - Hawker

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

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

- g. Greenfield Road Improvements, McDowell Road to Red Mountain Freeway. City of Mesa Project No. 00-45.

This project will improve Greenfield to 2 lanes and a bicycle lane in each direction, plus a raised landscaped median, from McDowell Road to the Red Mountain Freeway, providing enhanced access to the future Transit Maintenance Facility and recently completed Quail Run Park.

Recommend award to low bidder, Achen-Gardner Engineering, LLC in the amount of \$2,189,905.65 plus an additional \$218,990.57 (10% allowance for change orders) for a total award of \$2,408,896.22.

Mayor Hawker declared a potential conflict of interest and refrained from discussion/participation in this agenda item.

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

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

Discussion ensued regarding the proposed width of bicycle lanes for this project.

Upon tabulation of votes, it showed:

AYES - Davidson-Jaffa-Kavanaugh-Pomeroy-Walters-Whalen
ABSTAIN - Hawker

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

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

*h. City of Mesa Operations/Support Building. City of Mesa Project No. 01-119.

Recommend award to low bidder, A. Val Construction Corporation, in the amount of \$92,500.00 plus an additional \$9,250.00 (10% allowance for change orders) for a total award of \$101,750.00.

5. Introduction of the following ordinances and setting November 5, 2001 as the date of public hearing on these ordinances:

- *a. **Z01-46** The southwest corner of McKellips and Lindsay Roads. Site Plan Modification (9± acres). This case involves the development of a retail center.
- *b. **Z01-49** The northwest corner of Baseline Road and Val Vista Drive. Modification of the Dana Park Village Square DMP site plan, and deletion of a Council Use Permit (55 acres). This case involves a request to allow development of a shopping center with pad sites.
- *c. **Z01-50** The southeast corner of 88th Street and Decatur. Rezone from R1-43 to R1-6-PAD (4.5 acres). This case involves development of a residential subdivision.

- *d. **Z01-54** The northwest corner of Baseline Road and 32nd Street. Rezoning from C-2 to C-2 PAD and Site Plan Review (11.7 acres). This case involves development of retail and/or restaurant uses and office condominiums.
- *e. Amending Section 11-1-5 of the Zoning Ordinance pertaining to enforcement. (This change will cause the Zoning Ordinance to be enforced through a civil process rather than a criminal process).
- *f. Amending Title 11 of the Zoning Ordinance, by adopting a new Chapter 19, pertaining to Sign Regulations.
- *g. Amending various sections of the Mesa City Code relating to the City of Mesa Personnel Rules as recommended by the Merit System Board.

6. Consider the following resolutions:

- *a. Extinguishing a temporary drainage easement at 9310 East Guadalupe Road – Resolution No. 7740.

This temporary easement is no longer needed.
- *b. Approving and authorizing the City Manager or his designated representative to execute a Development Agreement between the City of Mesa and Kirksville College of Osteopathic Medicine, Inc. – Resolution No. 7741.
- *c. Authorizing the City Manager to execute an agreement between the City of Mesa and the Arizona Governor's Office of Highway Safety (GOHS) to provide funds to pay overtime to officers for education and enforcement of safety belt use – Resolution No. 7742.

7. Consider the following ordinances:

- *a. Prohibiting parking on the north side of Hermosa Vista Drive from a point 220 feet west of Lindsay Road to a point 206 feet east of Lindsay Road and on the south side of Hermosa Vista Drive from a point 206 feet west of Lindsay Road to the south leg of Robin Lane; and prohibiting parking from 8:00 a.m. to 4:00 p.m. on school days on the north side of Fountain Street from 26th Street to a point 935 feet west of 26th Street and on the south side of Fountain Street from a point 95 feet west of 26th Street to a point 765 feet west of 26th Street; as recommended by the Transportation Advisory Board – Ordinance No. 3936.
- b. Providing in the year 2001 and thereafter a monthly vehicle reimbursement of \$150.00 for the Mayor and City Councilmembers – Ordinance No. 3937.

Marko Lazo Vandevier, 1005 E. Garnet Avenue, representing the Neustro Neighborhood Association, addressed the Council. He voiced opposition to the Councilmembers receiving the proposed monthly vehicle reimbursement and spoke in support of the Mayor receiving the proposed monthly vehicle reimbursement. Mr. Vandevier stated that it is a conflict of interest for

the Council to consider and vote on this agenda item. Mr. Vandevier also commented on the poor living conditions of numerous residents in the Neustro neighborhood and spoke in support of the City providing monetary assistance to this neighborhood.

Councilmember Kavanaugh explained to the public that reimbursement to Councilmembers for mileage expenses is not a new entitlement, that the City Charter provides that the Mayor and Councilmembers be reimbursed for their actual and necessary expenses; that the Mayor and Councilmembers are currently entitled to receive reimbursement for actual miles driven each month; and that the proposal imposes a cap/flat fee for mileage reimbursement. He noted that City of Tempe Councilmembers receive a flat-fee mileage reimbursement of \$500 per month and that City of Scottsdale Councilmembers receive a flat-fee mileage reimbursement of \$300 per month.

It was moved by Councilmember Kavanaugh, seconded by Vice Mayor Davidson, that the proposed monthly vehicle reimbursement be approved.

Vice Mayor Davidson voiced support for the motion and stated that approval will help to attract future Councilmember candidates and help Councilmembers maintain existing lifestyles while serving the City.

Councilmember Pomeroy spoke in support of the motion and said that the current method of reimbursement is cumbersome. He noted that he has not submitted mileage reimbursement requests during the majority of his term.

In response to questions from Mayor Hawker regarding any potential conflicts relative to Section 202 of the City Charter, Mr. Padilla reported that mileage reimbursement is not considered salary and the reimbursement would be effective immediately. He added that if the Council determines that the proposed \$150 reimbursement amount is appropriate considering the actual transportation expenses (gasoline/depreciation/maintenance/insurance) incurred by Councilmembers, the expense reimbursement would be considered "actual and necessary" in accordance with the Charter.

Discussion ensued regarding Internal Revenue Service withholding ramifications relative to the flat fee reimbursement.

Councilmember Walters voiced support for the motion and noted that the proposed amount does not sufficiently reimburse the Mayor for his transportation expenses.

Councilmember Whalen stated support for the motion and said that he has not submitted a mileage reimbursement request to the City since assuming office because of the extensive paperwork involved.

Councilmember Jaffa stated that he also has not submitted a mileage reimbursement request due to the extensive paperwork.

Mayor Hawker voiced opposition to the motion and stated that although he is sensitive to the financial burden associated with transportation expenses, he is philosophically opposed to changing the conditions under which a current member of the Council assumed office.

Upon tabulation of votes, it showed:

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

Mayor Hawker declared the motion carried by majority vote.

*8. Consider approving changes in plan design and premium structures for the City of Mesa employee's health insurance plans.

8.1 Consider the following recommendations from the Utility Committee:

- *a. Approving the proposed amendments to the Intergovernmental Agreement between the City of Mesa and the Salt River Pima-Maricopa Indian Community to include the sorting, processing and marketing of recyclable materials – Resolution No. 7743.
- b. Approving staff's proposal to pursue the concept of designating the City's district cooling facility as a utility enterprise and increasing the line size of the initial supply and return lines.

Vice Mayor Davidson declared a potential conflict of interest and refrained from discussion/participation in this agenda item.

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

Upon tabulation of votes, it showed:

AYES - Hawker-Jaffa-Kavanaugh-Pomeroy-Walters-Whalen
ABSTAIN - Davidson

Mayor Hawker declared the motion carried unanimously by those voting.

9. Consider the following subdivision plats:

- *a. "REPLAT OF RED MOUNTAIN PLAZA", – (Council District – 6708 East McKellips Road (north side) 4 C-2 commercial ts (22.33 ac) Home Depot U.S.A., Inc. developer; Dahl, bins & Associates, Inc., engineer.
- *b. "MARBELLA", - (Council District 6) – The 8400 block of East Baseline Road (south side) 181 R1-6-PAD cluster homes (35.26 ac.) JPM L.L.C., developer; Keogh Engineering, engineer.
- *c. "ARIZONA HEALTH AND TECHNOLOGY PARK" – (Council District 6) – 5860 East Baseline Road (north side) 10 PEP-PAD lots (84.56 ac.) Mesa Arizona Real Estate Investments, L.L.C., and Kirksville College of Osteopathic Medicine, developers; Southwest Geomatics, engineer.

- *d. "PARKWOOD RANCH PARCEL 16" – (Council District 6) – The 400 block of South Crismon Road (east side) 47 R1-6-PAD-DMP single residence lots (12.55 ac.) Parkwood Ranch L.L.C., developer; Hoskin Engineering Consultants, Inc., engineer.
- *e. "PARKWOOD RANCH PARCEL 17 EAST" – (Council District 6) – The 400 block of South Cheshire Boulevard (east side) 34 R1-6-PAD-DMP single residence lots (8.69 ac.) Parkwood Ranch L.L.C., developer; Hoskin Engineering Consultants, Inc., engineer.

10. Items from citizens present.

There were no items from citizens present.

11. Adjournment.

Without objection, the Regular Council Meeting adjourned at 6:35 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 22nd day of October 2001. I further certify that the meeting was duly called and held and that a quorum was present.

BARBARA JONES, CITY CLERK

pjt