

COUNCIL MINUTES

December 17, 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 December 17, 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
Debbie Spinner
Barbara Jones

Invocation by Dr. Jim Adams, Cornerstone Church.

Pledge of Allegiance was led by Bob Hisserich, Mesa Leadership Class 2002.

Mayor Hawker welcomed everyone to the meeting.

Mayor Hawker acknowledged that numerous members of the Mesa Leadership Training and Development Class of 2002 were present in the audience. Mayor Hawker commented on the 12-month program, which is administered by the Mesa Chamber of Commerce, and noted that he and other Councilmembers are graduates of the program. He spoke about the qualifications for membership and urged those interested in the program to contact the Mesa Chamber of Commerce.

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.

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 November 19 and 21, and the December 3, 2001 Council meetings.

3. Conduct a Public Hearing on the continuation of the Mesa Town Center Improvement District No. 228. This District provides enhanced municipal services for the Mesa Town Center. (See item no. 8a for backup information).

Mayor Hawker announced that this is the time and place for a public hearing regarding the continuation of the Mesa Town Center Improvement District No. 228.

Paul McKee, Mesa Town Center Corporation (MTCC) President, addressed the Council and provided a brief historical overview of the Mesa Town Center Improvement District and the role of the MTCC. He also commented on the extensive volunteer efforts that have contributed to improvement of the Mesa Town Center since establishment of the Improvement District. Mr. McKee said that the MTCC is looking to evolve further in the future to continue serving the changing needs of assessed owners within Mesa Town Center, and he commented on the possibility of expanding the sculpture program and improving MTCC computer capabilities to provide enhanced business and economic development related information. Mr. McKee voiced appreciation to assessed property owners, the Council and City staff for the ongoing partnership with the MTCC.

There being no additional citizens wishing to speak on this issue, Mayor Hawker declared the public hearing closed.

4. Conduct a public hearing for the following proposed annexation:

- a. **A01-2** Annexing areas West of North Crismon Road to North 92nd Street and areas South of East McKellips Road to East McLellan Road. (202+ acres). Initiated by the property owners. **(See item no. 9a for backup information).**

Mayor Hawker announced that this is the time and place for a public hearing regarding this proposed annexation.

Richard Arambula, 4038 E. Glencove, addressed the Council and stated that he is a real estate developer and one of the property owners within the proposed annexed area. He stated that he is opposed to the proposed annexation and explained that he and his partners purchased a parcel that is located west of the Boulder View subdivision with the intention of splitting the parcel for development of single-family homes under Maricopa County jurisdiction. He stated that he became aware of the proposed annexation while the parcel was in escrow and he commented on various communications he had with City staff relative to the proposed annexation both before and after close of escrow, wherein he communicated opposition to being included in the proposed annexation. Mr. Arambula further advised that he and his partners previously developed a nearby, 5-acre parcel in a similar manner under Maricopa County jurisdiction.

Mr. Arambula stated that he was only recently notified by staff that the City intended to proceed with the proposed annexation and requested that the annexation be continued to allow him and his partners the opportunity to consult with an attorney.

Mayor Hawker advised Mr. Arambula that he would be afforded another opportunity to address the Council regarding this matter in conjunction with agenda item 9a.

There being no additional citizens wishing to speak on this issue, Mayor Hawker declared the public hearing closed.

5. Consider the following liquor license applications:

*a. PATRICIA A. WENTWORTH, PARISH MANAGER

Special Event License application of Patricia A. Wentworth, Parish Manager, St. Bridget Catholic Church, a one-day religious event to be held on Monday, December 31, 2001 from 8:00 P.M. to 1:00 A.M., at 2213 N. Lindsay Road, St. Bridget Catholic Church.

*b. HUSSEIN J. BAZZI, AGENT

New Beer and Wine Store License for Chevron Foodmart, 5965 E. Brown Road. This is an existing business and building. The Beer and Wine Store License previously held at this location by Hassan Zeitoun, Agent, B&Z Investment, will revert back to the State.

*c. WALID A. AL-KURDI, MEMBER

New Beer and Wine Store License for Kevin's Market, 1416 E. Broadway Road. This is an existing business and building. No previous liquor licenses at this location.

*d. PATRICIA A. NORRIS, AGENT

New Beer and Wine Store License for 7-Eleven #32393J, 4354 E. Baseline Road. This is an existing business and building. The Beer and Wine Store License previously held at this location by John Lonsinger, Etal, 7- Eleven 32393A, will revert back to the State.

*e. GREGORY M. SARGOVETZ, AGENT

New Beer and Wine Store License for Texaco Star Mart, 8461 E. Broadway Road. This is an existing business and building. The Beer and Wine Store License previously held at this location by Bruce Holbrook, Agent, Equilon Enterprises LLC, will revert back to the State.

*f. ROBERT M. GREGORY, INDIVIDUAL

New Restaurant License for Double G. Steakhouse, 7000 E. Main Street. This is an existing business and building. The Restaurant License previously held at this location by David J. Klecka, Agent, Red Mountain Land & Cattle Inc., will revert back to the State.

*g. ALAN J. LESSARD, AGENT

New Restaurant License for Rubio's Baja Grill, 6736 E. Baseline Road, Suite 101. This is an existing building. No previous liquor licenses at this location.

*h. H. J. LEWKOWITZ, AGENT

New Restaurant License for Tutti Santi Ristorante by Nina, 1859 W. Guadalupe Road, Suite 101. This is an existing business and building. The Restaurant License previously held at this location by Jeanne De Carlucci, Etal, Grace Mae Properties, closed their business in December of 2000.

6. Consider the following contracts:

- *a. Two-year renewal of the supply contract for insulated electrical connectors and accessories as requested by the Utilities Department.

The Purchasing Division recommends exercising the two-year renewal option with the original low bid by Border States Electric for annual purchases estimated at \$59,980.25 including applicable sales tax.

- *b. Grant-funded DUI Van as requested by the Police Department.

The Purchasing Division endorses the evaluation team's recommendation to accept the only proposal meeting specification by Farber Specialty Vehicles at \$152,000.00 plus 5.6% use tax of \$8,512.00 for a total of \$160,512.00.

- *c. Battery and modular power systems to supply power for the 800 MHz radio system site in Gilbert, as requested by the Communications Division.

The Purchasing Division recommends authorizing additional purchases from the following contracts:

Two battery systems at \$20,508.65 from C & D Technologies pursuant to RFB #2001165; and

One power system at \$18,035.94 from Power Conversion Products pursuant to RFP #2001122. The combined award is then \$38,544.59.

- d. Gas Line Replacement. Redwood Gardens Trailer Park (2207 E. Main Street) and the Glen Trailer Park (919 E. Mahoney). City of Mesa Project No. 01-101.

The purpose of this project will install 105 lineal feet of 2-inch polyethylene pipe and 2800 lineal feet of ½-inch gas service piping to replace existing services within two parks.

Recommend award to low bidder, KR Swerdfeger Construction, Inc., in the amount of \$63,700.75 plus an additional \$6,370.08 (10% allowance for change orders) for a total award of \$70,070.83.

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 Jaffa, that the recommendations of staff be approved.

Upon tabulation of votes, it showed:

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

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

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

*e. Subdivision Sewer Line Video Inspection. City of Mesa Project No. 02-078.

This project would serve the purpose of inspecting sewer lines to verify compliance with approved plans, and to verify that new lines being taken into the City system from developers are ready to receive sewer flows. This is an annual contract to perform video inspection on developments and City projects.

Recommend award to low bidder, Pipeline Video Inspection, in the amount of \$143,000.00 plus an additional \$14,300.00 (10% allowance for change orders) for a total award of \$157,300.00.

f. Dobson Ranch Golf Clubhouse and Site Renovations. City of Mesa Project No. 00-73.

The purpose of this project is to replace the current clubhouse with an expanded clubhouse, triple the merchandising and program area, and enlarge the restrooms. It also installs a new putting green, enlarges the cart staging area, adds handicapped parking spaces and provides improved administration offices.

Recommend award to low bidder, J.A.C., Inc., in the amount of \$1,040,000.00 plus an additional \$104,000.00 (10% allowance for change orders) for a total award of \$1,144,000.00.

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 Pomeroy, that the recommendations of staff be approved.

Councilmember Pomeroy stated support for staff's recommendations and said that this project has been planned for a significant period of time and that a previous bid process did not result in favorable bids.

Parks and Recreation Administrator Mark Woodward responded to a previous request from Councilmember Jaffa for information pertaining to other cities' operational models for golf courses. Mr. Woodward stated that Tempe and Phoenix operate their municipal golf courses in a similar manner to Mesa, that capital improvements are borne by the City and that golf pro services are contracted out.

Councilmember Jaffa thanked Mr. Woodward for the update and stated support for staff's recommendations.

Councilmember Kavanaugh voiced support for the project and noted that funding for this project is voter authorized.

Discussion ensued regarding the significant range of bids that were received, recent problems associated with construction of the new library, and the safeguards afforded to the City by construction bonds required of contractors.

Upon tabulation of votes, it showed:

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

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

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

g. Desert Wells #11 Equipment and Piping. City of Mesa project No. 02-068.

This project will install new piping, well cap, pump, motor, Chlorine facility, mechanical and electrical equipment at a new well that has been recently drilled.

Recommend award to low bidder, Weber Group, LC, in the amount of \$404,368.10 plus an additional \$40,436.81 (10% allowance for change orders) for a total award of \$444,804.91.

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 Walters, that the recommendations of staff be approved.

Upon tabulation of votes, it showed:

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

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

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

7. Introduction of the following ordinances and setting January 7, 2001 as the date of public hearing on these ordinances:

- *a. Prohibiting parking on the west side of Harris Drive from McKellips Road to a point 370 feet north of McKellips Road, on the east side of Harris Drive from McKellips Road to Kramer Street, on Hermosa Vista Drive from Gilbert Road to a point 180 feet west of Gilbert Road, and on Old Gilbert Road from Gilbert Road to Hermosa Vista Drive; prohibiting parking from 8:00 a.m. to 4:00 p.m. on school days on the west and on the south sides of Fairbrook Street to Fox Street to the west property line of 2521 E. Fairbrook Street, on the east side of Fairbrook Street from Fox Street to the north property line of 2560 E. Fairbrook Street, on the north side of Fox Street from 26th Street to a point 100 feet west of Fairbrook Street, and on the south side of Fox Street from 26th Street to a point 100 feet west of 26th Street; prohibiting parking from 7:00 a.m. to 4:00 p.m. on school days on 24th Street from Hermosa Vista Drive to a point 280 feet north of Minton Street; as recommended by the Transportation Advisory Board.
- *b. **Z01-57** Northeast corner of Southern Avenue and Gilbert Road. Site Plan Modification (.792 acres). This case involves development of a fast food restaurant.
- *c. **Z01-62** The northwest corner of Southern Avenue and Stapley Drive. Site Plan Modification (16.79 ac). This case involves the development of a Super Kmart and pad buildings.
- *d. **Z01-63** The southeast corner of University Drive and Power Road. Site Plan Modification (2.13 ac). This case involves the development of a convenience store with gas pumps and a pad building.
- *e. **Z01-65** The northwest corner of Broadway and 63rd Street. Rezone from AG (Conceptual C-2) to O-S (1± ac). This case involves the development of medical offices.
- *f. **Z01-66** The 5500 block of East Baseline Road (north side). Site Plan Modification (4.5 ac). This case involves the development of an auto body shop and pad building.
- *g. **Z01-67** 163 North Dobson Road. Site Plan Modification (2.26 ac). This case involves development of a DES building.

- *h. **Z01-68** The 1600 block of East Main Street (south side). Site Plan Modification (4.4 ac). This case involves the development of a DES building and future retail pad building.
- *i. **Z01-69** 8700 East University Drive. Modification of an existing R-4-PAD (332 ac). This case involves modifications to the existing View Point Travel Trailer Resort.
- *j. **Z01-70** 1400 South Dobson Road. Site Plan Modification (70± ac). This case involves the expansion on the existing Desert Samaritan Hospital campus.
- *k. **Z01-71** The 900 to 1000 blocks of North Ellsworth Road (west side). Rezone from R1-43 to R1-6-PAD (13± ac). This case involves the development of a residential subdivision.
- *l. Amending Title 4, Chapter 9, Section 1 of the Mesa City Code relating to the payment of plan review fees as recommended by the Finance Committee.

8. Consider the following resolutions:

- a. Approving the continuation of the Mesa Town Center Improvement District No. 228 for an additional five (5) years. This District provides enhanced municipal services for the Mesa Town Center – Resolution No. 7759.

Mayor Hawker, Councilmember Pomeroy and Councilmember Jaffa declared potential conflicts 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 Whalen, that the recommendations of staff be approved.

Councilmember Kavanaugh stated support for continuation of Improvement District No. 228 and explained the concept of business improvement districts. He also commented on the numerous agreements the City has with the MTCC concerning public parking places, cleaning of common areas, economic development partnerships and other issues related to the attraction and retention of quality businesses in the downtown area. He stated that Mesa is considered a national leader in this regard and he congratulated the MTCC and the Board of Directors on the success of Improvement District No. 228.

Councilmember Walters concurred with Councilmember Kavanaugh's comments and also commended the MTCC for their efforts to maintain a clean and safe Town Center. She also voiced appreciation for the volunteer efforts of the Mesa Town Center Board of Directors.

Councilmember Whalen stated that he has served as the Council's ex-officio member on the Mesa Town Center Board of Directors since assuming office and said that he is impressed with the quality leadership on the Board of Directors. He also stated that he has learned through his attendance at International Downtown Association conferences, that Mesa's downtown

organization is highly regarded. Councilmember Whalen commended MTCC Executive Director Tom Verploegen and his staff for their work.

Vice Mayor Davidson commented on the fact that of the 281 Improvement District members, two protests were filed in opposition to continuation of the District. He stated that he supports continuation of the District and stated the opinion that Town Center improvements are building momentum due to the combined efforts of the MTCC, the Downtown Development Committee and City staff. He also stated support for a more aggressive zoning compliance strategy in the Town Center.

Upon tabulation of votes, it showed:

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

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

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

- *b. Vacating a portion of Street Right-of-way in the 400 block of East Kimball Avenue – Resolution No. 7752.

This is excess right-of-way that is no longer needed.

- *c. Extinguishing an easement for highway purposes in the 200 and 300 blocks of North 77th Street – Resolution No. 7753.

This easement is no longer needed and conflicts with the proposed development of the property.

- *d. Extinguishing Public Utility and Drainage Easements in Barrington Estates Amended – Resolution No. 7754.

These easements must be extinguished to accommodate the San Tan Freeway.

- *e. Extinguishing a portion of a Public Utilities Easement at 655 East University Drive – Resolution No. 7755.

This easement is no longer needed and conflicts with proposed development plans.

- f. Granting an underground power easement to Salt River Project for Fire Station No. 202 – Resolution No. 7760.

This easement is to provide electric service to the new Fire Station No. 202.

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

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

Upon tabulation of votes, it showed:

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

Mayor Hawker declared the motion carried unanimously by those voting.

- *g. Declaring as a public record that certain document filed with the City Clerk and entitled "The 2001 Amendments to the Tax Code of the City of Mesa" – Resolution No. 7756.
- *h. Approving and authorizing the City Manager to execute a Communication System License issued to CityNet Telecommunications, Inc. – Resolution No. 7757
- *i. Approving and authorizing the City Manager to execute an agreement between Coral Energy Resources, L.P. and the City of Mesa – Resolution No. 7758.

9. Consider the following ordinances:

- a. **A01-2** Annexing of areas West of North Crismon Road to North 92nd Street and areas South of East McKellips Road to East McLellan Road. (202+ acres). Initiated by the property owners – Ordinance No. 3955.

Planning Director Frank Mizner addressed the Council regarding this agenda item. He provided an overview of the annexation process in general and commented on examples of Mesa annexation cases initiated by property owners and cases initiated by the City. Mr. Mizner reported that, pursuant to State law, annexation cases must meet two criteria: approval of a majority of the property owners by parcel, and approval by majority of the assessed valuation, as determined by the County Assessor.

Mr. Mizner provided an historical chronology regarding this case. He reported that the annexation only encompasses vacant land, that Mr. Arambula's opposition to this annexation represents the sole opposition, and that both State mandates have been met. He commented on Mr. Arambula's request to continue this matter and advised that the remaining parcel owners have been cooperative throughout the process and are desirous of finalizing the annexation to proceed with various planned residential developments in accordance with Desert Uplands and other City standards. He spoke about the residential development Mr. Arambula proposes for his parcel and noted that it is in opposition to the Council's directives for the Desert Uplands area. Mr. Mizner also commented on staff's interaction and communication with Mr. Arambula during this process.

Mr. Mizner reported that immediately subsequent to Mr. Arambula's purchase of this parcel, he split the parcel into five lots and divided the ownership of the lots among three separate owners, which increased the number of property owners and negated the majority approval status previously obtained. Mr. Mizner further reported that because State law requires that the

method of determining the total number of property owners and majority approval in annexation cases involving property assessed by the County Assessor be based upon "the last assessment of the property," it is staff's opinion that Mr. Arambula's recent lot split and ownership transfer, which occurred subsequent to the last assessment of the property, does not effectively increase the total number of property owners for purposes of this annexation case. He referred to a concurring legal opinion authored by Assistant City Attorney Mary Wade concerning this issue.

Mr. Arambula referred to a map on display in the Council Chambers that depicted the proposed annexed area and he indicated the location of his parcel. He stated that the property totals 9.2 acres and was split into five lots ranging from 1.6 acres to 2.2 acres. Mr. Arambula commented on his communication with staff regarding his intentions concerning the property including splitting the parcel into five lots and transferring ownership of the various lots. He stated concerns regarding the open-ended nature of the annexation process; the courtesies extended by staff to the owner/developer of the Whisper Mountain development; and various facts and statements contained in staff's Council Report concerning this matter including the statement that he has tried to hinder the annexation process.

In response to a question from Councilmember Jaffa regarding staff's compliance with State statutes governing annexations, City Attorney Debbie Spinner said that statutory language was complied with in this case.

Councilmember Jaffa commented on his on-going concerns regarding development occurring under County jurisdiction within the City's planning area that does not meet Desert Uplands and other City development standards, the financial impact to the City from adjacent County development, and problems associated with future annexation of these residential developments. He stated support for this case and the proposed ordinance.

In response to a question from Councilmember Walters regarding Mr. Arambula's options for recourse in this matter, Ms. Spinner advised that Mr. Arambula could file a court action and if he prevailed, the City would be responsible for paying his attorney's fees and costs.

In response to a question from Mayor Hawker regarding support of this annexation case by the other property owners in the proposed annexed area, Mr. Mizner explained that because two of the owners within the proposed annexed area are nonparticipatory utility companies, a majority approval of the owners would not be achieved in this case if the additional ownership interests of the Arambula parcel are considered valid.

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

In response to questions from Councilmember Whalen, Mr. Mizner confirmed that at the time of the filing of the annexation petition in this case during early 2001, there was a single owner of the Arambula parcel.

In response to further questions from Councilmember Whalen, Mr. Arambula stated that he purchased the parcel in September 2001 and the lot split was effectuated in October 2001. Mr. Arambula stated that it was his understanding, based upon his conversations with staff, that the lot split and ownership transfers represented a problem for the proposed annexation and that

staff did not advise him until December 14, 2001 that the proposed annexation was going forward.

In response to a question from Councilmember Whalen regarding notification of hearing dates in annexation cases, Mr. Mizner reported that the City is not statutorily required to notify owners of hearing dates and that it is not the practice of staff to do so because annexation cases are typically initiated by property owners.

In response to a question from Councilmember Whalen, Mr. Arambula confirmed that he was aware of the pending annexation case prior to his purchase of the parcel.

In response to questions from Councilmember Walters, Mr. Arambula stated that the newly drawn five lots are now individually owned by three different owners, himself, his partner and their corporation, which owns three of the five lots.

Councilmember Walters voiced concerns regarding the issue of notifying property owners of hearing.

Mr. Mizner commented on the effect of continuing this case; the fact that an annexation process life-span is restricted to 12 months; the efforts and cooperation extended by the other property owners in this case; and the remaining zoning processes these owners must go through to develop their property after the annexation is approved.

Mayor Hawker commented on the numerous issues surrounding this case. He stated support for the annexation and voiced the opinions that the annexation will benefit the City of Mesa and that the process appears to have been conducted in a lawful manner.

In response to questions from Councilmember Jaffa, Mr. Arambula advised that it is his intent to develop custom homes on the five lots, consistent with his previous development of a nearby parcel, utilizing a well, septic systems and a private road. Mr. Arambula also commented on the expense associated with connecting to City utilities.

Councilmember Jaffa reiterated his concerns regarding the financial impact of providing City services to adjacent County residents and expenses the City would bear in connection with the future annexation of Mr. Arambula's developed property.

It was moved by Councilmember Whalen, seconded by Councilmember Jaffa, that Ordinance No. 3955 be adopted.

Upon tabulation of votes, it showed:

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

Mayor Hawker declared the motion carried unanimously by those voting and Ordinance No. 3955 adopted.

- *b. Amending the Mesa Tax Code.

This ordinance will result in adoption of changes made to the Model City Tax Code, which have been approved by the Municipal Tax Code Commission. All cities in the State will be adopting these changes – Ordinance No. 3954.

10. Consider the following ordinance and resolution:

- a. Modifying the Electric Rate Schedules and establishing Electric Rules and Regulations, Code of Conduct, Terms and Conditions for Direct Access and Electric Terms and Conditions for Standard Offer as recommended by the Utility Committee – Ordinance No. 3956 and Resolution No. 7761.

Councilmember Whalen, as Chairman of the Utility Committee, provided a brief overview regarding electric deregulation and stated that deregulation mandates become effective in Arizona on January 1, 2002. He explained the manner in which customer electric bills must be “unbundled,” which will itemize the bill into numerous categories, and said that electric customers will be able to choose an alternate energy provider. He noted that although the City’s electric rate structure must be amended to reflect unbundled rates, the proposed rate structure does not represent an overall increase in rates. Councilmember Whalen said that the proposed Ordinance and Resolution address the new rate structure and processes associated with deregulation.

It was moved by Councilmember Whalen, seconded by Councilmember Walters, that Ordinance No. 3956 and Resolution No. 7761 be adopted.

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

Upon tabulation of votes, it showed:

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

Mayor Hawker declared the motion carried unanimously by those voting and Ordinance No. 3956 and Resolution No. 7761 adopted.

11. Consider the following subdivision plat:

- *a. “MAP OF DEDICATION FOR MESA OFFICE SUITES”, – (Council District 3) – 1830 South Alma School Road (west side) Alma Mesa Office Park, L.L.C., developer; JMA Engineering Corporation, engineer.

12. Items from citizens present.

Bryan Soller, 4953 E. Princess Drive, addressed the Council and said that he is a Mesa Police Officer and is speaking on behalf of the Fraternal Order of Police (FOP) and its members in the Mesa Police Department. Mr. Soller provided a brief historical overview regarding the

Department's proposed Career Enhancement Program and voiced concerns regarding the recent second deferment of the commencement of the program. He commented on the importance of the program to FOP members and requested that the Council reconsider funding the program.

Bill Everson, 3737 E. Hopi Avenue, addressed the Council and said that he is President of the local FOP and is also speaking on behalf of members in the Police Department. He commented on the manner in which the Career Enhancement Program was designed, as a phase-in program having four levels, and requested that when funding becomes available to commence the program, that the Council consider commencing the program at the level it would have been at had the program not been deferred. He noted that this would minimize the financial impact on Officers who are qualified to participate in the program.

Mayor Hawker commented on the City's upcoming election in March 2002 and stated that candidates have now filed petitions for Councilmember seats in Districts 4, 5 and 6. He said that beginning with the next Regular Council Meeting and continuing until the election, any candidates present throughout a Council meeting would be acknowledged by the Mayor at the end of the meeting.

13. Adjournment.

Without objection, the Regular Council Meeting adjourned at 7:15 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 17th day of December 2001. I further certify that the meeting was duly called and held and that a quorum was present.

BARBARA JONES, CITY CLERK

pjt