

COUNCIL MINUTES

April 1, 1996

The City Council of the City of Mesa met in a Regular Council Meeting in the Council Chambers, 57 East 1st Street, on April 1, 1996 at 5:30 P.M.

COUNCIL PRESENT

Mayor Willie Wong
Jerry Boyd
Pat Gilbert
T. Farrell Jensen
Dale Johnson
Joan Payne
Jim Stapley

COUNCIL ABSENT

None

POLICE OFFICER
PRESENT

Jeffrey Beaulieu

OFFICERS PRESENT

C.K. Luster
Neal Beets
Barbara Jones

Mayor Wong excused Vice Mayor Jensen from the beginning of the meeting. Vice Mayor Jensen joined the meeting at 6:21 p.m.

Invocation by Assistant Pastor Oliver L. Swain, New Life Assembly of God. (Pastor Swain was unable to attend and Councilmember Boyd provided the invocation.)

The Pledge of Allegiance was led by Richard Hoke, Troop #59.

1. Approval of minutes of previous meetings as written.

It was moved by Councilmember Stapley, seconded by Councilmember Boyd, that the minutes of March 15 and 18, 1996 be approved.

Mayor Wong 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 or a citizen present. All items identified in these minutes with an asterisk (*) were approved with one Council action.

It was moved by Councilmember Stapley, seconded by Councilmember Boyd, that the consent agenda items be approved.

Mayor Wong declared the motion carried unanimously by those present.

3. Conduct a public hearing on assessments for Mesa Town Center Improvement District No. 228.

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

Ed Burns, President of the Mesa Town Center Corporation (MTCC), encouraged citizens who are in opposition to the assessment to voice their comments and provide MTCC with an opportunity to review and analyze their concerns.

Mr. Burns presented the Council with a brief synopsis of the accomplishments of MTCC during the past year of operation, discussed the makeup of the MTCC Board of Directors, and reported that assessments have not increased since the District's establishment eleven years ago. Mr. Burns requested that the Council adopt the 1996 assessments for Mesa Town Center Improvement District 228 as outlined.

In response to a question from Councilmember Payne, Mr. Burns briefly highlighted services provided by MTCC to businesses located on Broadway Road. Councilmember Payne indicated her willingness to tour the area with MTCC representatives to witness the businesses' benefits outlined by Mr. Burns.

Joe Guinn, 126 West 7th Place, expressed the opinion that his properties he owns in the Town Center area have not benefited from the assessments paid by the property owners in District 228. Mr. Guinn discussed his dissatisfaction with MTCC and the assessments and offered to accompany Councilmember Payne on a tour of the Town Center area.

Bill Brando, 61 South Macdonald, stated the opinion that Special Improvement District 228 was illegally formed eleven years ago and spoke in opposition to assessing varying rates throughout the District. Mr. Brando reiterated previous requests to allow an 'aye/nay' vote to occur relative to the continuation of SID 228 and added the opinion that assessments in the District are discriminatory and place an unfair burden on the property owners in the Town Center area.

Luule Brando, 61 South Macdonald, requested that the Mayor assist property owners in the Town Center area and approve a request to initiate an 'aye/nay' vote relative to SID 228.

Kathy Adams, 1762 East Fairfield, advised that she is the owner of three businesses located in the Town Center square-mile area. Ms. Adams discussed a letter and attachments she received from Town Center Executive Director Tom Verploegen in response to a written protest she forwarded to MTCC relative to SID 228. Ms. Adams expressed the opinion that Mr. Verploegen's response to her protest constitutes intimidation and indicated that additional property owners share her views relative to this issue. Ms. Adams added that business owner

protests are not acted upon by MTCC or the Council and stated that she will not appear at a protest meeting or provide written input relative to SID 228 in the future.

Jan "J.P." Paderewski, 48 North Robson, advised that she is the owner of Coffee Talk and indicated that she would rather utilize the \$650 she is assessed to personally promote her business rather than utilize the services of MTCC. Ms. Paderewski spoke in opposition to the continuance of SID 228.

Mayor Wong thanked the speakers for their input.

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

4 Acknowledge receipt of minutes and meetings of various boards and committees and consider action where appropriate.

- *a. Crime Prevention Advisory Board meeting - March 20, 1996.
- *b. Downtown Development Committee meeting - March 21, 1996.
- *c. Economic Development Advisory Board meeting - March 28, 1996.
- *d. Housing Advisory Board meeting - March 19, 1996.
- *e. Human Services Advisory Board meeting - March 20, 1996 and March 27, 1996.
- *f. Museum & Cultural Advisory Board meeting - March 26, 1996.

Recommend adjusting fees in accordance with the listing in the minutes.

It was moved by Councilmember Stapley, seconded by Vice Mayor Jensen, that the recommendation of staff be approved.

Carried unanimously.

- *g. Special Design Review Board meeting - March 20, 1996.
- *h. Traffic Safety Committee meeting - March 19, 1996.
- *i. Utility Committee meeting - March 28, 1996.

Recommend staff's proposal regarding the standardization of terms and conditions for the sale of potable water and sanitary sewer utility service outside Mesa's corporate limits in conjunction with the development of property that will most likely be annexed in the future, including an optional "lieu of payment" method based on current prices.

In response to comments from Bill Brando, 61 South Macdonald, Community Development Manager Wayne Balmer and Vice Mayor Jensen explained that property annexations are not being proposed in the agenda item at this time. Vice Mayor Jensen added that a majority of citizens in favor of annexation must approach the City to initiate any annexation process.

It was moved by Councilmember Johnson, seconded by Councilmember Stapley, that the recommendation of staff be approved.

Carried unanimously.

Recommend staff's recommendations relative to the approval with stipulations of 14 utility service requests be approved and that the annexation of the property be expedited.

It was moved by Councilmember Johnson, seconded by Vice Mayor Jensen, that the recommendation of staff be approved.

Carried unanimously.

5. Consider the following liquor license application:

*a. PRAGNA M PATEL, INDIVIDUAL

Person transfer Liquor Store License for Arizona Liquors, 2321 W. Broadway Road. This transfer is from Joseph Stermer, Agent, Minar Corporation Inc. to Pragna M. Patel, Individual, Arizona Liquors.

*b. SAM J. MOCCERO, AGENT

New Beer and Wine Store License for AM/PM Mini Market, 1152 N. Recker Road. This is a new business, currently there are no liquor licenses at this location.

*c. SOPHEA M. NGOV, INDIVIDUAL

New Restaurant License for Palee's Thai Gourmet, 1116 S. Dobson Road, Suite 123. The license previously held at this location by Direk Srichankij, Agent, Fairtex Food Services Inc. closed December 31, 1995.

6. Consider the following contracts:

*a. Two replacement asphalt patcher trucks as requested by the Street Maintenance Division.

The Purchasing Division recommends accepting the low bid meeting specification by Sanderson Ford at \$195,329.14.

- *b. One new skid-steer loader for maintenance of grounds at City parks and basins as requested by the Parks Maintenance Division.

The Purchasing Division recommends accepting the low bid by Bingham Equipment Company at \$18,281.00 plus 5.75% sales tax of \$1,051.15 for a total of \$19,332.15.

- *c. Twenty, eight-phase traffic signal controllers for warehouse inventory to be used by the Transportation Division.

The Purchasing Division recommends accepting the low bid by Econolite Control Products, Inc. at \$35,280.00 plus 5.0% sales tax of \$1,764.00 for a total award of \$37,044.00.

- *d. Sixty traffic signal heads for warehouse inventory to be used by the Transportation Division.

The Purchasing Division recommends accepting the lowest overall bid by McCain Traffic Supply at \$11,080.00 plus 6.95% sales tax of \$770.06 for a total award of \$11,850.06.

- *e. Traffic signal poles and mast arms for warehouse inventory to be used by the Transportation Division.

The Purchasing Division recommends accepting the low bids as follows:

Items 1-9 from Ameron Pole Products at \$27,982.00 plus 7.05% sales tax of \$1,972.73 for a total award of \$29,954.73; and

Items 10 & 11 from Valmont Industries at \$2,151.00 plus 5.0% use tax of \$107.55 for a total of \$2,258.55.

The combined award is then \$32,213.28.

- *f. Two electric sand trap rakes as requested by the Golf Course.

The Purchasing Division recommends accepting the only bid by Horizon Turf Inc. at \$13,672.00 plus 7.05% sales tax of \$963.87 for a total of \$14,635.87.

- *g. 11 GHz Microwave Equipment as requested by the Communications Division.

The Purchasing Division recommends exercising an additional purchase option from RFB #95060 with the low bid by Nortel at \$47,567.00 plus 5.0% use tax of \$2,378.35 and shipping of \$100.00 for a grand total of \$50,045.35.

- *h. 2,000 each, 90-gallon black plastic refuse containers as requested by the Solid Waste & Facilities Division. These barrels will be placed in several mobile home parks where mechanized collection has been requested.

The Purchasing Division recommends authorizing an additional purchase option with the low bidder meeting specification from our previous RFB #95047, Option A from Toter, Inc. for \$91,900.00 plus 5% use tax of 4,595.00 for a total award of \$96,495.00.

- *i. 4 Sun File Servers and 2 computer workstations as requested by the Information Services Division. This equipment will support the migration of the GIS function from the mainframe to a UNIX platform.

The Purchasing Division recommends authorizing purchase from the State contract with Amdahl Corporation for \$133,743.69, plus 7.05% sales tax of \$9,428.93, for a total of \$143,172.62.

- *j. Youth Athletic Field Lighting Improvements at Mesa Junior High School.

This project will install additional lighting for Mesa Junior High School's athletic fields at the southeast corner of South Horne Street and East 2nd Avenue.

Recommend award to low bidder, CS Construction, Inc., in the amount of \$59,700.00.

- *k. Dobson Ranch Golf Course Driving Range Renovations.

This project will renovate the Dobson Ranch Course Driving Range, 2155 South Dobson Road. Improvements include new lighting, grading, and contouring.

Recommend award to low bidder, AJP Electric, Inc., in the amount of \$80,380.00.

- *l. Mesa Southwest Museum Annex.

This project consists of remodeling and asbestos removal at the Mesa Southwest Museum Annex, 112 West Pepper Place.

Recommend award to low bidder, Mesa Contracting, Inc., in the amount of \$80,200.00.

- *m. North Stapley Drive and East Brown Road water lines and North Stapley Drive overlay.

This project will replace a 12" water line on North Stapley Drive, 8th Street to Brown Road and on Brown Road, Gilbert Road to 24th Street. It also includes asphalt overlay of North Stapley Drive, 8th Street to Brown Road as part of the City's Street Maintenance Program.

Recommend award to low bidder, Archon, Inc., in the amount of \$407,884.00.

*n. Main Police Station Basement Floor Tile.

This project will install new porcelain floor covering in the basement of the Main Police Building at 130 North Robson.

Recommend award to low bidder, Benchmark Construction, Inc., in the amount of \$13,380.00.

o. Chicago Cubs Training Facility at HoHoKam Park.

This project will demolish the existing stadium and construct a new stadium with seating for 12,500 fans at HoHoKam Park.

Recommend award to low bidder, Conelly Construction, Inc., in the amount of \$14,910,400.00, for the Base Bid plus Alternative #2.

Bill Brando, 61 South Macdonald, stated the opinion that the demolition of the existing HoHoKam Stadium constitutes a horrible crime. Mr. Brando also expressed the opinion that the main reason for demolishing the stadium is to meet the demands of a multi-million dollar baseball corporation.

Mayor Wong thanked Mr. Brando for his input.

It was moved by Councilmember Gilbert, seconded by Councilmember Stapley, that the recommendation of staff be approved.

Upon tabulation of votes, it showed:

AYES - Wong-Boyd-Gilbert-Jensen-Johnson-Stapley
NAYS - Payne
ABSENT - None

Mayor Wong declared the motion carried by majority vote.

7. Introduction of the following ordinance and setting April 15, 1996 as the date for the 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. Prohibiting parking on the east side of Center Street to a point 90 feet north of Main Street, from a point 120 feet south of First Street to a point 420 feet north of First Street, from a point 115 feet south of Second Street to a point 50 feet north of Second

Street, and from a point 120 feet south of Third Place to University Drive; on the west side from University Drive to a point 55 feet south of Third Place, from a point 115 feet north of Second Street to a point 55 feet south of Second Street, from a point 230 feet north of Firth Street to a point 170 feet south of First Street, from a point 130 feet north of Pepper Place to a point 60 feet south of Pepper Place; from a point 200 feet north of Main Street to Main Street; on Lehi Road from Gilbert Road to a point 2,350 feet east of Gilbert Road; the north side of Lindner Avenue from a point 150 feet east of Dobson Road to a point 260 feet east of Dobson Road, from a point 385 feet east of Dobson Road to a point 545 feet of Dobson Road, and from a point 750 feet east of Dobson Road to a point 965 feet east of Dobson Road; and reducing the speed limit from 35 mph to 30 mph on Home from Lehi Road to the north City limits, all as recommend by the Traffic Safety Committee.

- *b. Amending Section 11-13-2 pertaining to Exterior Building Illumination; and amending Section 11-18-8 pertaining to the Design Review Board.
- *c. **Z96-16** The northwest corner of Signal Butte Road and Broadway Road. Rezone from R1-7-DMP to R1-7-PAD and modification of the Development Master Plan (109± acres). This case involves the development of a 450± lot single residence project. Signal Butte Land Partners Limited, owner; Standage & Truitt Engineering, Ltd., applicant.
- *d. **Z96-17** The northeast corner of Power Road and Madero Avenue. Rezone from AG to C-2 (3.5 acres). This case involves the development of a restaurant and a mini-storage. Cosimo DiBella, owner; DMS Architects, applicant.
- *e. **Z96-19** 310 North Dobson Road and 2026 West 3rd Street. Rezone from R1-6 to C-2 and Site Plan Modification (1± acre). This case involves the expansion of an existing commercial strip center through the improvement of a new parking area. Kenneth Y. Louie, owner/applicant.
- *f. Pertaining to City Departments; repealing Chapter 11 of Title 3; amending Chapter 12 of Title 3 and Chapter 9 of Title 9.

8. Consider the following resolutions:

- a. Approving the Assessments for the Mesa Town Center Improvement District No. 228 - Resolution No. 6886.

Bill Brando, 61 South Macdonald, expressed the opinion that Mesa Town Center Corporation (MTCC) is profiting from the assessments paid by business owners in the Town Center area. Mr. Brando added that functions held in the Town Center area by MTCC decrease rather than increase business due to the fact that streets are blocked off to vehicular traffic. Mr. Brando reiterated his request for an 'aye/nay' vote on Special Improvement District (SID) 228.

Luule Brando, 61 South Macdonald, concurred with Mr. Brando's remarks and invited the members of the Council to join her on a tour of Town Center and personally witness the condition of the area.

Councilmember Payne stated that although she has supported MTCC efforts in the past, recent occurrences have compelled her to reevaluate this issue and added that she would not support approving the assessments for SID 228. Councilmember Payne discussed concerns expressed by Kathy Adams and noted that Chuck Golden of Golden's Health Club also registered a protest relative to SID 228. Councilmember Payne expressed the opinion that MTCC has been discriminatory in its dealings with certain Town Center businesses, specifically the Nile, and said that issues and concerns raised by business owners in the Town Center area should be addressed during the upcoming year. Councilmember Payne added that she has not observed any material benefits gained by businesses along Broadway Road and certain other locations as a result of the assessment. Councilmember Payne stressed that her decision not to support the assessment is not directed against the Mesa Town Center Corporation, but rather is a means of acknowledging the concerns raised by various business owners in the Town Center area.

It was moved by Vice Mayor Jensen, seconded by Councilmember Gilbert, that Resolution No. 6886 be adopted.

Upon tabulation of votes, it showed:

AYES - Wong-Boyd-Gilbert-Jensen-Johnson-Stapley
NAYS - Payne
ABSENT - None

Mayor Wong declared the motion carried by majority vote.

*b. Deleted.

c. Authorizing the City Manager to prepare, sign, and submit applications to receive Federal entitlement funds under the Housing and Community Development Act of 1974, the Stewart B. McKinney Act of 1987, and the National Affordable Housing Act of 1990; all as amended - Resolution No. 6887.

Vice Mayor Jensen 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.

Margie Frost, representing Mesa Community Action Network, (Mesa CAN), 460 North Mesa Drive, expressed the opinion that allocating funds for building a community service center in Area 5 when both schools and a Boys & Girls Club already exist in the vicinity, constitutes an inappropriate use of funds.

Community Development Manager Wayne Balmer briefly outlined the circumstances surrounding this agenda item and stated the opinion that the proposed neighborhood center requires additional study. Mr. Balmer added that neighborhood residents and representatives of the United Way, who approached the City relative to the development of a neighborhood center, will perform additional studies and present their findings and proposed options to the City.

Discussion ensued relative to the fact that the listing price for the proposed land purchase is \$140,000, appraisals, site location, configuration, and limitations, neighborhood proposals to construct a 3,000 square foot building on the site, the fact that as part of the proposal, the Mesa United Way would lease the property from the City of Mesa and work with the neighbors in an effort to develop a design for the building and a plan relative to services provided at the facility, and the United Way's intention to present the building plans to the construction community and solicit donations of time, materials and labor.

Mr. Balmer informed the Council that the United Way would be responsible for the maintenance and operation of the facility. Mr. Balmer advised that although staff agrees that the concept is viable, the parcel may be difficult to build upon. Mr. Balmer discussed staff's recommendation that the neighbors work with the architectural community this year and develop a design and focus for the building, including potential expansion requirements, prior to selecting an appropriate building site for the facility.

In response to a question from Councilmember Stapley, Mr. Balmer reported that staff's recommendation is to delay funding for this year pending additional study and analysis and to direct the neighbors to work with staff, the architectural community, and the United Way in an effort to develop a design/operational proposal to be submitted in November 1996 for July 1, 1997 funding.

Councilmember Boyd expressed the opinion that each neighborhood varies greatly from another and added that although the issue requires additional analysis and input, the Council has a responsibility to support private/public partnerships and neighborhood efforts. Councilmember Boyd added that additional requests from other areas will also have to be considered by the Council.

Discussion ensued relative to block grant funds, operational costs, allocating contingency funds for the current year, establishing a specific time frame in which to complete project plans, and the importance of acknowledging and supporting public/private efforts.

In response to a question from Councilmember Gilbert, Mr. Balmer advised that a footnote may be added to the HUD application, indicating the City's intention to fund a project out of the contingency allocation once the submission is finalized and approved by the Council and HUD. Mr. Balmer reported that funding amounts for this year and next have not yet been determined and explained that staff has developed a contingency proposal indicating projects that will be added if additional funding is received and projects which will be reduced should the funding be decreased.

Councilmember Gilbert stressed the importance of further exploration of Area 5's proposal and recommended that a footnote be added to the City's contingency allocation application indicating to HUD that this particular project is undergoing further exploration and that once certain issues are addressed in an acceptable manner, it is possible that the project will proceed.

In response to a request for input from Councilmember Payne, Ms. Tittle-Baker, representing Area 5, expressed the opinion that project commitments are in place and requested that the application be granted on a contingency basis. Ms. Tittle-Baker requested Council/staff input relative to additional required information and specific time lines to be met.

It was moved by Councilmember Boyd, seconded by Councilmember Payne, that \$140,000 in contingency funds be allocated for the proposed project in Area 5, that the funds be utilized based on meeting specific requirements, that a time line of six months be established for submittal of additional information relative to the project, and that Resolution No. 6887 be adopted.

Councilmember Gilbert indicated that he would not support the motion and stated that critical issues should be resolved prior to proceeding in this manner. Councilmember Gilbert added that the proposal does not meet specific policy guidelines for consideration or criteria utilized in project analysis.

Upon tabulation of votes, it showed:

AYES - Boyd-Payne
NAYS - Wong-Gilbert-Johnson-Stapley
ABSTAIN - Jensen

Mayor Wong declared the motion failed.

It was moved by Councilmember Gilbert, seconded by Councilmember Stapley, that the Council approve the recommended authorizations for Community Development Block Grant funds, including the memo submitted to the Council relative to the Jefferson Elementary School joint use, and that a footnote be included in the HUD application indicating that the City is engaged in on-going discussions with Area 5 and the United Way, that pending resolution of unresolved issues, the Council will consider proceeding with the use of contingency fund monies for an Area 5 project, and that Resolution No. 6887 be adopted.

Upon tabulation of votes, it showed:

AYES - Boyd-Gilbert-Johnson-Payne-Stapley
NAYS - Wong
ABSTAIN - Jensen

Mayor Wong declared the motion carried by majority vote and Resolution No. 6887 adopted.

- *d. Issuance of the City of Mesa Improvement Bonds, Series No. 238 - Resolution No. 6884.

This district provides for the improvement of East Emerald Avenue between 24th Street and 26th Street.

- *e. Approving and authorizing the City Manager to execute an Intergovernmental Agreement between the State of Arizona by the Governor's Division of Drug Policy and the City of Mesa, by the Mesa Police Department - Resolution No. 6885.

This agreement allows the City to accept grant funding in the amount of \$24,800 to support the Gang Resistance Education & Training (GREAT) Program.

8.1. Consider entering into a lease agreement with the Chicago National League Ball Club for the use of Spring Training facilities at HoHoKam Park and Fitch Park.

In response to a request from Mayor Wong, Assistant City Manager Mike Hutchinson briefly highlighted the proposed lease agreement with the Chicago National League Ball Club for the use of Spring Training facilities at HoHoKam Park and Fitch Park, the construction program, liability insurance, alterations to the complex, and demolition of the current facility.

It was moved by Vice Mayor Jensen, seconded by Councilmember Stapley, that the lease agreement with the Chicago National League Ball Club for the use of Spring Training facilities at HoHoKam Park and Fitch Park be approved.

Upon tabulation of votes, it showed:

AYES - Wong-Boyd-Gilbert-Jensen-Johnson-Stapley
NAYS - Payne
ABSENT - None

Mayor Wong declared the motion carried by majority vote.

9. Consider the following ordinance:

- *a. Relating to the Mesa Personnel Rules; amending Section 230 pertaining to recruitment; amending other sections pertaining to probationary full-time employees; and repealing conflicting ordinances - Ordinance No. 3166.

*10. Consider write-off of utility and miscellaneous accounts.

11. Consider the following subdivision plat:

- *a. "NORTHRIDGE GLEN" - The 3000 block of East McKellips Road (north side), 35 R-2 PAD patio home lots (6.67 acres). D.R. Horton, Inc., developer; Infinity Engineering Services, LTD., engineer.

12. Adjournment.

It was moved by Councilmember Stapley, seconded by Councilmember Boyd, that the Regular Council Meeting adjourn at 8:04 PM.

Carried unanimously.

WILLIE WONG, 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 1st day of April, 1996. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 19th day of April, 1996

BARBARA JONES, CITY CLERK