



COUNCIL MINUTES

December 7, 1998

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 7, 1998 at 5:46 p.m.

COUNCIL PRESENT

Mayor Wayne Brown
Jim Davidson
John Giles
Keno Hawker
Bill Jaffa
Dennis Kavanaugh
Pat Pomeroy

COUNCIL ABSENT

None

POLICE OFFICER
PRESENT

Marc Therre

OFFICERS PRESENT

C.K. Luster
Neal Beets
Barbara Jones

Invocation by Pastor Glenn Gorke, Cornerstone Christian Fellowship.

Pledge of Allegiance led by Girl Scout Troop #2264.

Presentation of the National Parks and Recreation Association 1999 calendar by Parks Director Joe Holmwood.

Parks, Recreation, and Cultural Director Joe Holmwood introduced Mesa Park Ranger Nate Clark and Mesa resident Tyler Grant and advised that a photograph of the ranger and youth was recently selected for the cover of the 1999 National Recreation and Park Association (NRPA) calendar.

Mr. Clark and Mr. Grant presented copies of the NRPA calendar to the City Council.

Mayor Brown congratulated Mr. Clark and Mr. Grant on the selection.

1. Approval of minutes of previous meetings as written.

It was moved by Vice Mayor Giles, seconded by Councilmember Kavanaugh, that the minutes of November 2, 5, 12, 16, and 20, 1998 be approved.

Carried unanimously.

2. Consider all consent agenda items.

At this time, all matters on the consent agenda were considered or were removed at the request of a member of the Council. All items identified with an asterisk (*) were approved with one Council action.

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

Carried unanimously.

3. Conduct a public hearing on the operation and possible continuation of Mesa Town Center Improvement District No. 228.

Mayor Brown and Councilmembers Hawker, Pomeroy, and Jaffa indicated that they had a potential conflict of interest in connection with the matter now under discussion which they wanted recorded in the minutes of the meeting.

City Attorney Neal Beets briefly presented background information concerning the formation and operation of Mesa Town Center Improvement District No. 228. Mr. Beets explained that as noted, four Councilmembers, representing a majority of the Council, have a potential conflict of interest in reference to this issue, but that pursuant to State law and the Mesa City Charter, all Councilmembers will be requested to participate in order to take action on the matter.

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

Vince DiBella, 58 West Main Street, President of the Mesa Town Center Corporation (MTCC) and downtown business/property owner, spoke concerning the importance of the comprehensive review of the district every 5 years and the opportunity provided for evaluation. Mr. DiBella commented that the effectiveness of the district is demonstrated by items such as the *Work in Progress* report, MTCC's detailed files, the recently distributed survey of opinion reflecting positive support for continuation of the district, and written comments received accompanying the survey of opinion. Mr. DiBella stated that input is welcomed and taken into consideration by MTCC in developing methods for improvements. Mr. DiBella expressed the opinion as a downtown business/property owner that the funds collected are well utilized and on behalf of MTCC and downtown businesses, encouraged Council to continue the improvement district.

Theresa Carmichael, 144 South Mesa Drive, Suite F, Past President of MTCC and downtown business owner, read portions of a letter received from the owners of the property she leases indicating their affirmative response conveyed through the survey of opinion and appreciation for efforts on their behalf. Ms. Carmichael commented that the district provides a mechanism to resolve issues and is needed and valued, particularly by absentee owners. Ms. Carmichael encouraged continuation of the district.

Karl Gunnell, 1227 East 2nd Place, representing Gunnell's Jewelry, stated that his family has operated a business for 50 years and has invested considerable time and effort in their establishment. Mr. Gunnell expressed the opinion that MTCC has been and continues to be effective and stated appreciation for the efforts of MTCC and the City Council. Mr. Gunnell urged the retention of MTCC, noting that approximately 60 percent of the property owners have indicated support for the continuation of the improvement district.

Rick Coggins, 160 East Broadway, member of the Board of Directors of MTCC, stated that he did not originally support MTCC and the improvement district but has modified his opinion since volunteering to serve on the MTCC Board. Mr. Coggins commented that the services provided are worthwhile and encouraged continuation of the district.

Bill Brando, representing Mesa Art and Printing, 61 South Macdonald, questioned the appropriateness of the public hearing given what he perceives to be a lack of a quorum. Mr. Brando noted that if approved

for an additional 5 years, the improvement district will have been in existence for approximately 20 years. Mr. Brando commented that the level of service provided through the improvement district is deficient and suggested that issues be resolved by a downtown business association rather than the City.

Luule Brando, 923 South Seton, stated the opinion that assessments within the district are calculated improperly. Ms. Brando spoke in favor of voluntary participation in the district and efforts to enhance services.

Brick Guinn, 126 West 7th Place, expressed the opinion that services within the improvement district have been inadequate, particularly given the fact that approximately \$7 million has been collected in assessments during the past 14 years. Mr. Guinn noted deviations between the number of downtown businesses reported by MTCC and the number reflected in the City's tabulation of the opinion survey results.

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

Mayor Brown noted that Council will be voting on a resolution concerning the operation and possible continuation of Improvement District No. 228 at the December 21, 1998 Regular Council Meeting.

4. Consider the following liquor license applications.

*a. THOMAS E. MCLEAN, INDIVIDUAL

Person transfer bar license for Country City, 30 South Robson. This transfer is from James L. Lee, Individual, Country City, to Thomas E. McLean, Individual, Country City.

*b. HISHAM F. FRANCIS, AGENT

New beer and wine store license for Grab-N-Go Mart #1, 7956 East University Drive. This is a new business; no previous liquor licenses at this location.

*c. BRUCE HOLBROOK, AGENT

New beer and wine store license for Texaco Star Mart, 1945 East Southern Avenue. This is an existing business; no previous liquor licenses at this location.

*d. H. J. LEWKOWITZ, AGENT

New restaurant license for Fajitas, A Sizzlin' Celebration, 1656 South Alma School Road. The restaurant license previously held at this location by Parviz Moghimi, Agent, RMP, LLC, went out of business in June.

*e. STEVEN C. LIZAKOWSKI, INDIVIDUAL

New restaurant license for Famous Fred's Pizza & Grille, 5943 East McKellips Road, #102. The restaurant license previously held at this location by Charles Ferguson, Agent, Famous Fred's Pizza & Grille LLC, will revert back to the State.

*f. SHAILESH H. KUBER, AGENT

New restaurant license for Three Cheers Restaurant & Sports Lounge, 5750 East Main Street. The hotel-motel License previously held at this location by Shailesh H. Kuber, Agent, Three Cheers Inc, will revert back to the State.

5. Consider the following contracts.

*a. Lewis Substation Expansion Construction Contract 9801.5

Recommend award to low bidder, High Power Inc., in the amount of \$215,000.

*b. One-year renewal of the annual supply contract for liquid chlorine and liquid caustic soda for Materials and Supply Division warehouse inventory to be used for treating the water in public swimming pools.

The Purchasing Division recommends exercising the first of two 1-year renewal options with Hill Brothers Chemical Company at \$48,537.80 plus 6.80% sales tax of \$3,300.57 for a total of \$51,838.37 based on estimated requirements.

*c. Two-year supply contract for large gas meters for Materials and Supply Division warehouse inventory to be used by the Utility Services Division. These meters are used for primarily commercial and industrial accounts.

The Purchasing Division recommends accepting the lowest bids meeting specification as follows:

Item 1 to Schlumberger RMS at \$17,362.50 plus 5% use tax of \$868.13 for a total of \$18,230.63.

Item 2 to Measurement Control Systems at \$1,740.00 plus 5% use tax of \$87.00 for a total of \$1,827.00.

Item 3 to DMD/Dresser Measurement (alternate bid #2) at \$9,400.00 plus 5% use tax of \$470.00 for a total of \$9,870.00.

Items 4-10 to Tri-Pacific Supply, Inc. (alternate bid) at \$45,410.00 plus 5% use tax of \$2,270.50 for a total of \$47,680.50. The combined award is then \$77,608.13 based on estimated annual requirements.

*d. Twenty-five VHF portable radios for the Police Department as requested by the Communications Division. These radios will be assigned to the Police Academy class recruits who will begin training in January 1999.

The Purchasing Division recommends authorizing purchase from the State of Arizona contract with Motorola Comm. and Electronics, Inc. at \$19,626.80, including sales tax and a two-year express service maintenance/repair plan.

*e. Modular office work stations for Parks, Recreation, and Cultural Division staff who will work at the Red Mountain Multigenerational Center.

The Purchasing Division recommends authorizing purchase from the State of Arizona contract with Goodman's Inc. at \$30,176.28, including materials, design services, delivery, installation, and applicable sales tax.

- *f. SCADA system intellution software as requested by the Electric Division. This software will upgrade the electric utility portion of the Utility Department's existing SCADA system.

The Purchasing Division recommends accepting the bid by Summit Electric at \$14,260.00 plus 6.80% sales tax of \$969.68 for a total of \$15,229.68.

- *g. Two-year supply contract for TNEMEC industrial-grade paint as requested by the Transportation Division.

The Purchasing Division recommends accepting the only bid by Southwest Coating Consultants at \$11,528.16 plus 6.90% sales tax of \$795.44 for a total of \$12,323.60 based on estimated requirements.

- *h. Electronic relays as requested by the Utilities Department. These relays protect the electrical equipment on the electric transmission and distribution system.

The Purchasing Division recommends accepting the bid by Schweiter Engineering Labs, Inc. at \$265,297.00 plus 5.0% use tax of \$13,264.85 for a total of \$278,561.85.

- *i. Two-year supply contract for "Intercom" newsletter as requested by Printing and Graphics.

The Purchasing Division recommends accepting the low bid by Commercial Lithographers at \$25,992.00 plus 5.50% sales tax of \$1,429.56 for a total of \$27,421.56 based on estimated annual requirements.

- *j. Twelve latent print file cabinets for the storage of latent prints, polaroids, and film negatives as requested by the Police Department.

The Purchasing Division recommends accepting the low bid by Boise Cascade at \$12,256.00 plus 6.80% sales tax of \$833.41 for a total of \$13,089.41.

- k. 62 patrol sedans for the Police Department. 50 vehicles are replacements; 12 are additions to the fleet for the Superstition Substation district.

The Purchasing Division recommends authorizing purchase from the State of Arizona contracts as follows:

24 gasoline-powered patrol sedans from Berge Ford at a total cost of \$503,760.12 including applicable sales tax; and

38 factory-equipped, dedicated, CNG-powered patrol sedans from Lou Grubb Ford at a total cost of \$1,011,921.53 including applicable sales tax.

The combined award is then \$1,515,681.65.

Councilmember Pomeroy advised that he requested that this item be removed from the consent agenda for separate consideration given the significant dollar amount of the proposed expenditure.

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

Councilmember Hawker advised that the purchase of dedicated compressed natural gas (CNG) vehicles is designed to assist in meeting federal and state mandates for alternative-fuel vehicles. Councilmember Hawker stated that factory-equipped CNG-powered vehicles are equipped with an extended-range option which provides a comparable distance range to gasoline-powered units. Councilmember Hawker noted anticipated fuel savings and air pollution reduction and stated support for the proposal.

Carried unanimously.

- *l. Two-year supply contract for roadway valve boxes for Materials and Supply Division warehouse inventory as requested by Utility Construction.

The Purchasing Division recommends accepting the low bid meeting specification by Ametek Access Boxes for \$17,083.20 plus 5% use tax of \$854.16 for a total of \$17,937.36.

- *m. 1998/1999 crack seal project. City of Mesa Project No. 99-09.

This project consists of sealing cracks in existing pavement throughout the City.

Recommend award to low bidder, CPC Concrete Cutting, Inc., in the amount of \$185,826.80.

- *n. West 1st Street conduit installation. City of Mesa Project 97-76.1

Installation of conduit along West 1st Street from Morris to Robson.

Recommend award to low bidder, The Fishel Company, in the amount of \$48,764.00.

6. Introduction of the following ordinances and setting December 21, 1998 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. Pertaining to firearms; repealing Ordinance No. 2929, prescribing a disposal policy for firearms seized by the Mesa Police Department.
- *b. Prohibiting left turns onto 9th Place from the driveway on the north side of 9th Place between Country Club Drive and a point 108 feet east of Country Club Drive, as recommended by the Traffic Safety Committee.
- *c. Amending Section 11-6-3 of the Mesa City Code regarding uses subject to a Council Use Permit in the C-1, C-2, and C-3 districts. This amendment would allow multiple residences in commercial districts subject to approval of a Council Use Permit, which would include submittal of a detailed site plan and project description.
- *d. **Z98-47** 6459 East Southern Avenue. Site plan review (1.46 acres). This case involves the development of a Berge Auto Care center and carwash.
- *e. **Z98-77** The southeast corner of Baseline Road and Roslyn. Site plan review (3.72 acres). This case involves the development of four pad buildings.

- *f. **Z98-103** The 3600 through 3800 blocks of South Power Road (east approximately 1,900 feet). Establish R1-43 and R1-43AF (154+/- acres). The establishment of City zoning on recently annexed land.
- *g. **Z98-104** Certain properties between Broadway Road and Southern Avenue, and 106th Street to Meridian. Establish R1-43, R1-15, R1-7, R1-6-PAD, R-2-PAD, R-4, and O-S (345+/- acres). This case involves the establishment of City zoning on recently annexed land.
- *h. **Z98-106** The 1900 block of South Power Road (west side). Site plan review (1.79 acres). This case involves the development of two commercial retail buildings.
- *i. **Z98-107** The southwest corner of Broadway and Sossaman Roads. Rezone from R1-6 and C-1 to C-2 (2.43 acres). This case involves the development of a Walgreen's store.
- *j. **Z98-108** 922 North Gilbert Road. Rezone from R1-9 to O-S (1+/- acre). This case involves the conversion of existing residential structures to offices.
- *k. **Z98-110** The southeast corner of McKellips Road and Mesa Drive. Rezone from R-4 to C-2 (1.2+/- acres). This case involves the development of a gas station facility.
- *l. Relating to the Mesa Personnel Rules; amending Section 150 pertaining to personnel records; amending Section 260 pertaining to employment of relatives; amending Section 320 pertaining to salary plan; amending Section 432 pertaining to sick leave; amending Section 433 pertaining to bereavement leave; amending Section 510 pertaining to standards of conduct; amending Section 540 pertaining to probation; amending Section 810 pertaining to types of disciplinary actions; and repealing conflicting ordinances as recommended by the Merit System Board.
- *m. **Z98-97** The southeast corner of Brown Road and Val Vista Drive. Rezone from AG to R1-15 (60+/- acres). This case involves a conventional subdivision. **THIS IS A REVISED ORDINANCE. CONTINUED FROM THE NOVEMBER 16, 1998 COUNCIL MEETING.**

7. Consider the following resolutions.

- *a. Authorizing the City Manager to execute an application for modification of designation of assured water supply to be filed with the Arizona Department of Water Resources - Resolution No. 7289.
- *b. Extinguishing a public utility easement on Tract M of Sun Valley Ranch - Resolution No. 7290.

This easement has not been used and is in conflict with the construction of a new multifamily development.
- c. Granting an underground power easement to Salt River Project for Desert Wells #13, located at Elliot and Signal Butte Roads - Resolution No. 7293.

Easement is necessary for SRP to provide electric power to a City of Mesa well site.

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

It was moved by Councilmember Pomeroy, seconded by Vice Mayor Giles, that Resolution No. 7293 be approved.

Upon tabulation of votes, it showed:

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

Mayor Brown declared the motion carried unanimously by those voting and Resolution 7293 adopted.

- *d. Establishing 1999 as the year of a “Golden Rule” in Mesa - Resolution No. 7291.
- *e. Amending the 1998 annual plan for the HOME Investment Partnerships (HOME) Program - Resolution No. 7292.
- f. **Deleted.**
- g. Approving the refinancing of the City’s lease-purchase agreement for a computer-aided dispatch system for the Police and Fire Public Safety Departments; authorizing the taking of all other actions necessary to the consummation of the transactions contemplated by this resolution and declaring an emergency - Resolution No. 7294.

Councilmember Hawker noted projected savings associated with the proposal but stated a reluctance to include an emergency clause. Assistant Finance Director Larry Woolf outlined the refinancing plan, bid/closing dates, and interest rate. Mr. Woolf indicated that advance briefings to Council in the future concerning similar transactions may be feasible, but given time constraints, an emergency clause will likely remain necessary to attain more favorable interest rates.

It was moved by Vice Mayor Giles, seconded by Councilmember Kavanaugh, that Resolution No. 7294 be approved.

Carried unanimously.

8. Consider the following ordinances.

- *a. Relating to outdoor light controls, amending Section 4-6-5 of the Mesa City Code - Ordinance No. 3571.
- b. Amending Title 5, Chapter 1 of the Mesa City Code and providing penalties for the violation thereof; pertaining to a Special Event License - Ordinance No. 3572.

Councilmember Hawker briefly explained the purpose of the proposed amendment and spoke in favor of the measure, which concerns the payment of sales tax in relation to the provisions of a Special Event License. Councilmember Hawker cautioned that while actions such as increasing the sales tax rate may have quantified results, unforeseen consequences may occur, and encouraged careful review when considering financing options for the City.

It was moved by Councilmember Kavanaugh, seconded by Councilmember Pomeroy, that Ordinance No. 3572 be approved.

Councilmember Jaffa spoke in favor of the proposal.

Carried unanimously.

*8.1 Consider entering into an agreement with AMS Planning and Research to conduct a management study regarding the operation of the Arts and Entertainment Center as recommended by the Museum and Cultural Advisory Board.

9. Consider the following subdivision plats.

- *a. "RED MOUNTAIN AVIARA" - The 5800 block of East McDowell Road (south side). 72 R-2-PAD single-residence lots (9.11 acres). Red Mountain Unit 70, L.L.C., developer; Ace Engineering, Inc., engineer.
- *b. "CANYON CREEK AT LAS SENDAS" - The 7500 block of East Saddleback Street (north side). 52 R1-9-PAD-DMP single-residence lots (20.94 acres). Sonoran Desert Holdings, L.L.C., developer; Wood, Patel & Associates, engineer.
- *c. "MAP OF DEDICATION - PARKWOOD RANCH" - The 10000 block of East Broadway Road (south side). Parkwood Ranch, L.L.C., developer; DEI Professional Services, engineer.
- *d. "AUGUSTA RANCH PARCEL M-3" - The 2000 block of South Lansing (south side). 93 R1-6-PAD-DMP single-residence lots (15.38 acres). Communities Southwest, developer; DEI Professional Services.
- *e. "COUNTRY CLUB AND JUANITA" - The 1800 block of South Country Club Drive (west side). 3 C-3 commercial lots and 1 M-1 industrial lot (10.26 acres). Country Club and Juanita L.L.C., developer; American Engineering Company, engineer.
- *f. "MERIDIAN POINTE UNIT 1" - The 11200 block of East Elliot Road (north side). 116 R1-6-DMP single-residence lots (40.83 acres). CHI Construction Company, developer; Coe & Van Loo Consultants, Inc., engineer.
- *g. "MERIDIAN POINTE UNIT 2" - The 3200 block of South Meridian Road (west side). 152 R1-6-DMP single-residence lots (43.37 acres). CHI Construction Company, developer; Coe & Van Loo Consultants, Inc., engineer.
- *h. "MERIDIAN POINTE UNIT 3" - The 11400 block of East Elliot Road (north side). 145 R1-6-PAD-DMP single-residence lots (37.98 acres). CHI Construction Company, developer; Coe & Van Loo Consultants, Inc., engineer.
- *i. "MERIDIAN POINTE UNIT 4" - The 3200 block of South Mountain Road (east side). 124 R1-7-DMP single-residence lots (37.55 acres). CHI Construction Company, developer; Coe & Van Loo Consultants, Inc., engineer.

10. Items from citizens present. (maximum of three speakers for three minutes per speaker).

There were no items from citizens present at this time.

11. Adjournment.

It was moved by Councilmember Jaffa, seconded by Councilmember Kavanaugh, that the Regular Council Meeting adjourn at 6:45 p.m.

Carried unanimously.

WAYNE BROWN, MAYOR

ATTEST:

BARBARA JONES, CITY CLERK

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the Regular Council Meeting of the City Council of Mesa, Arizona, held on the 7th day of December 1998. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this ____ day of _____ 1998

BARBARA JONES, CITY CLERK