

COUNCIL MINUTES

July 7, 2003

The City Council of the City of Mesa met in a Regular Council Meeting in the Council Chambers, 57 East 1st Street, on July 7, 2003 at 5:45 p.m.

COUNCIL PRESENT

Mayor Keno Hawker
Rex Griswold
Kyle Jones
Dennis Kavanaugh
Janie Thom
Claudia Walters
Mike Whalen

COUNCIL ABSENT

None

STAFF PRESENT

Mike Hutchinson
Debbie Spinner
Barbara Jones

Invocation by Councilmember Walters.

The Pledge of Allegiance was led by Chase Peterson, Boy Scout Troop #358.

Mayor's Welcome.

Mayor Hawker welcomed everyone to the meeting. A videotaped presentation was aired that outlined meeting procedures and provided attendees with instructions relative to addressing the Council.

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 Kavanaugh, seconded by Councilmember Walters, that the consent agenda items be approved.

Carried unanimously.

*2. Approval of minutes of previous meetings as written.

Minutes from the June 30, 2003 City Council Meeting

3. Conduct a public hearing for proposed annexation:

- a. **A02-8** Annexing north of Main Street and west of Power Road (2.58± acres). Initiated by the property owners.

Mayor Hawker announced that this is the time and place for a public hearing regarding annexing north of Main Street and west of Power Road (2.58± acres).

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

4. Consider the following liquor license applications:

- *a. VICTOR JOSE RODRIQUEZ, AGENT

New Restaurant License for Latin Star the Finest in Dominican Cuisine, 330 South Gilbert Road, #20. This is an existing building. No previous liquor licenses at this location.

- *b. KENNETH MICHAEL HOLMES, AGENT

New Restaurant License for Peter Piper Pizza, 9047 East Baseline Road. This is a vacant lot. No previous liquor licenses at this location.

- c. DINA BEJARANO, AGENT

New Restaurant License for Tico's Tacos, 1850 West Southern Avenue. This is an existing business. The Restaurant License previously held at this location by Liang Kuan, Individual, New Peking, sold the business in May 2001.

It was moved by Councilmember Walters, seconded by Councilmember Jones, that the applicant's request for the issuance of a new Restaurant License for Tico's Tacos be denied, based on the fact the applicant has not met City requirements with respect to the payment of all necessary fees and charges.

Carried unanimously.

5. Consider the following contracts:

- *a. One Bio Threat Alert device as requested by the Fire Department.

The Purchasing Division recommends accepting the bid by Alexeter Technologies, LLC at \$34,214.40 including applicable use tax. (This purchase is 100% grant funded by a grant from the Department of Justice).

- *b. 1,000 gas mask carriers as requested by the Fire Department.

The Purchasing Division recommends accepting the low bid by Universal Police Supply Company at \$15,079.95 including applicable sales tax. (This purchase is 100% grant funded by a grant from the Department of Justice).

- *c. Three-year supply contract for water treatment chemicals used by the CAP Water Treatment Plant, the three Water Reclamation Plants and the three Booster Stations as requested by the Utilities Department.

The Purchasing Division recommends accepting the low bids as follows:

Item 1 to Thatcher Company of Arizona at \$71,796.00; Items 3 and 5 to UniVar USA, Inc. at \$82,844.00; Item 4 to DPC Enterprises, LP at \$98,700.00; Item 6 to Ondeo Nalco Company at \$31,960.00; and Item 7 to Sabre Oxidation at \$99,825.00. The combined award is then \$385,125.00 based on estimated annual requirements. Chemicals that are used to treat potable water are exempt from sales or use tax. The sales tax on the chemical purchases for the Water Reclamation Plants and the Booster Stations will be added at the time each order is placed.

- *d. Three-year supply contract for gasoline and diesel fuel for City vehicles as requested by Fleet Support Services. This contract is a cooperative bid with Mesa Unified School District No. 4.

The Purchasing Division recommends accepting the lowest overall bid by Phoenix Fuel Company. The City's portion of the total annual purchases is estimated at \$1,919,122.75 (including applicable tax).

6. Introduction of the following ordinance and setting July 14, 2003 as the date of public hearing on these ordinances:

- *a. Modifying an existing Council Use Permit (CUP93-4TC) to allow an additional service bay at 145 East Main Street, Brown and Brown Chevrolet.
- *b. Repealing the existing Personnel Rules applicable to City of Mesa Employees and adopting by reference new Personnel Rules; preserving rights and duties that have already matured and proceedings that have already begun under the existing Personnel Rules.

7. Consider the following resolutions:

- *a. Authorizing the City Manager to execute an Intergovernmental Agreement between the Town of Gilbert and the City of Mesa for improvements to Baseline Road from the Consolidated Canal to Power Road – Resolution No. 8063.

This agreement identifies and defines the responsibilities of the Town of Gilbert and the City of Mesa related to the design and construction of Baseline Road from the Consolidated Canal to Power Road.

- *b. Authorizing the City Manager to execute an Intergovernmental Agreement between the Town of Gilbert and the City of Mesa that identifies the responsibilities for future plan review, construction inspections, jurisdictional issues, operation and maintenance for Power Road from Ocotillo Road to Baseline Road – Resolution No. 8064.

This section of roadway adjoins both communities.

- c. Approving and authorizing the City Manager to execute an Intergovernmental Agreement between the City of Mesa and Mesa Unified School District #4 to support operational costs of Mesa Youth Placement Services – Resolution No. 8067.

Councilmember Walters declared a potential conflict of interest and said she would refrain from discussion/participation in this agenda item.

It was moved by Councilmember Jones, seconded by Councilmember Thom, that Resolution No. 8067 be adopted.

Upon tabulation of votes, it showed:

AYES - Hawker-Griswold-Jones-Kavanaugh-Thom-Whalen
NAYS - None
ABSTAIN – Walters

Mayor Hawker declared the motion carried unanimously by those voting and Resolution No. 8067 adopted.

- d. Modifying fees and charges for the Development Services Department and the Building Safety Division – Resolution No. 8068.

Bob McNichols, 5400 East McDowell Road, addressed the Council relative to this agenda item. He expressed appreciation to staff for their efforts and hard work relative to the proposed amendments to the current “City of Mesa Schedule of Fees and Charges” for the Building Safety Division, but commented that such assessments are still not high enough. He cited a series of ambiguities in staff’s report including, but not limited to, no clearly defined staffing plan; no assurances that the increased fees will be utilized by the Building Safety Division to provide additional services and that the funds will not be disbursed to other City departments, and that with a proposed two-year timeline for the implementation of this plan, some developers may pay increased fees and not receive increased service. Mr. McNichols also offered input/suggestions regarding the current plan review process and the possibility of outsourcing various projects.

Deputy Building Safety Director Jeff Welker provided a brief overview of this agenda item and responded to the concerns expressed by Mr. McNichols. He clarified that the proposed fees are projected to generate sufficient revenue to fund the Building Safety Division’s “base level” services requested by the development industry; that the hiring of a number of full-time positions, previously frozen due to budget constraints, will assist the Department in stabilizing its plan review and permit processes, and that the City currently outsource projects and has developed a contractual relationship to outsource both the Building Code and Fire Code plan reviews.

Vice Mayor Kavanaugh expressed support for staff’s recommendation. He also stated that although staff is recommending that the fees/charges be reviewed on an annual basis, he would suggest that the General Development Committee be given the opportunity to review the progress of the implementation of the new fees before the end of the year.

In response to a question from Councilmember Walters, City Manager Mike Hutchinson commented that in order to ensure that the monies which are obtained through the collection of

fees and charges are specifically used for Building Safety Division purposes, he would recommend that such funds be placed into a separate account. He added that staff will also provide the General Development Committee and the development community with the opportunity to review the manner in which the funds are being spent.

Councilmembers Walters, Jones and Griswold expressed support for staff's recommendation and concurred with Vice Mayor Kavanaugh's suggestion regarding a six-month review of the implementation process.

Erin Patterson, 3200 East Camelback Road, Phoenix, a representative of the Homebuilders Association for Central Arizona, addressed the Council and thanked staff for their ongoing partnership with the development community relative to this important issue. She also stressed the fact that affordable housing will continue to be a major concern within the industry.

Mayor Hawker complimented staff for their innovative concept regarding the issuance of a "percentage fee credit" to a developer if the Building Safety Division staff fails to meet its proposed plan review goals.

In response to Mayor Hawker's comments, City Attorney Debbie Spinner clarified that at the present time, the City Code does not contain a provision for a "percentage fee credit" if a plan review deadline is not met. She noted, however, her office is working in conjunction with the Building Safety Division to propose a recommended change to the Code that would allow the issuance of such a fee.

It was moved by Councilmember Walters that Alternative No. 1 of staff's recommendation, amending the current "City of Mesa Schedule of Fees and Charges" for the Building Safety Division, be approved and that Resolution No. 8068 be adopted.

(After conferring with the City Attorney, Councilmember Walters also requested that staff be directed to make a presentation to the General Development Committee in six months regarding the progress of the implementation of the fees, provide an accounting relative to the manner in which the funds obtained through the collection of the fees/charges have been spent, and that the City Attorney's Office recommend a change to the City Code which would provide for the issuance of a "percentage fee credit.")

Vice Mayor Kavanaugh seconded the motion.

Councilmember Whalen expressed appreciation to the Building Safety staff for their efforts and hard work during the past year when they have been confronted with many hardships within the division.

Carried unanimously.

- *e. Vacating a portion of a Public Utility Easement at 1840 South Las Palmas Circle – Resolution No. 8065.

This portion of the easement is no longer needed.

8. Consider the following ordinances:

- a. **A02-8** Annexing north of Main Street and west of Power Road. (2.58± acres) Initiated by the property owners – Ordinance No. 4089.

It was moved by Vice Mayor Kavanaugh, seconded by Councilmember Griswold, that Ordinance No. 4089 be adopted.

Carried unanimously.

- *b. Amending various sections of the Mesa City Code regarding the following traffic modifications – Ordinance No. 4078:

Prohibiting Parking Full Time: 10-3-24

On the west side of Serrine from First Avenue to a point 135 feet north of First Avenue.

Prohibiting Parking on School Days, 8:00 a.m. to 4:00 p.m.

On the south side of Fountain Street from 26th Street to a point 97 feet west of 26th Street.

On the west side of 26th Street from Fountain Street to a point 123 feet south of Fountain Street.

- *9. Consider a resolution and ordinance modifying the Terms and Conditions for the sale of utilities regarding the point in time that a utility bill is considered past due and when a late fee is assessed to an unpaid balance – Resolution No. 8066 and Ordinance No. 4085.

9.1. Consider the following recommendation from the Fire Committee:

- *a. Adopting an Intergovernmental Agreement with the City of Phoenix for the operation of the 800 MHz system.
- b. Approve proceeding with a Request for Proposal to provide emergency medical transportation in Mesa.

Councilmember Walters, as Chairman of the Fire Committee, provided a brief overview of this agenda item for the benefit of the audience.

It was moved by Councilmember Walters, seconded by Vice Mayor Kavanaugh, to approve proceeding with a Request for Proposal to provide emergency medical transportation in Mesa.

Carried unanimously.

9.2. Consider the following recommendation from the General Development Committee:

- a. Proceeding with a Retail Revitalization Strategy for the Fiesta Mall “Super-Regional Retail District.”

Vice Mayor Kavanaugh, as Chairman of the General Development Committee, reported that this agenda item is an outgrowth of a series of meetings that the City initiated with property owners

and business owners in the Fiesta Mall quadrant area. He explained that the proposal before the Council tonight would enable the City to commission the International Economic Development Council (IEDC) Advisory Services, in collaboration with representatives from the International Council of Shopping Centers (ICSC), to prepare a Retail Revitalization Strategy for the Fiesta Mall "Super Regional Retail District" and thereby encourage economic revitalization in this area of the community.

Economic Development Director Dick Mulligan addressed the Council and highlighted some of the key issues relative to this item.

It was moved by Councilmember Jones, seconded by Vice Mayor Kavanaugh, to proceed with a Retail Revitalization Strategy for the Fiesta Mall "Super-Regional Retail District."

Councilmember Thom expressed support for the motion and commented that it is imperative that the Council support Mesa's business community.

Councilmember Whalen also voiced support for the motion and stated that he hopes the Council's action regarding this item will send a clear message to Mesa's retail partners in the Fiesta Mall quadrant that the City is indeed concerned about the future revitalization of this area of the community.

Carried unanimously.

10. Consider the following cases from the Planning and Zoning Board and possible adoption of the corresponding Ordinances:

- *a. **Z03-21** The 6500-6600 blocks of East Superstition Springs Boulevard north side (6.92 acres \pm) Site Plan Modification. This case involves the development of two restaurant pad buildings and an office. Superstition Springs Investors Limited Partnership, owner; Robert Bacon, the RLB Group, applicant – Ordinance No. 4086.

P&Z Recommendation: Approval with conditions (Vote: Passed 5-0).

1. Review and approval by the Planning and Zoning Board, Design Review Board and City Council of future development plans.
2. Compliance with the basic development as described in the project narrative and as shown on the site plan and elevations submitted, (without guarantee of lot coverage) except as noted below.
3. Compliance with all City development codes and regulations.
4. Compliance with all requirements of the Development Services Department (Engineering, Traffic Engineering, Solid Waste and Facilities, etc.).
5. Compliance with all requirements of the Design Review Board.
6. Compliance with all requirements of the Subdivision Technical Review Committee.
7. Compliance with the approved Special Use Permit by the Board of Adjustment for the comprehensive sign plan – BA97-18.

- *b. **Z03-22** 11202 E. Germann Road (227 acres \pm). Council Use Permit. This case involves the modification of an existing Council Use Permit for a land division and reduction of the CUP area. Will Rogers, owner; John Larowe, applicant – Ordinance No. 4087.

P&Z Recommendation: Approval with conditions (Vote: Passed 5-0).

1. Compliance with the basic development as described in the project narrative and as shown on the site plan.
2. Review and approval by the Planning and Zoning Board, Design Review Board and City Council of future development plans.
3. Compliance with all City development codes and regulations.
4. Compliance with all requirements of the Development Services Department (Engineering, Traffic Engineering, Solid Waste and Facilities, etc.).
5. Owner granting an Avigation Easement and Release to the City, pertaining to Williams Gateway Airport, which will be prepared and recorded by the City (concurrently with the recordation of the final subdivision map, prior to the issuance of a building permit).
6. Perform below specified required tasks when TRW identifies a committed buyer of the subject property:
 - a. Prepare a code study (and construction documents, if necessary) for submittal to City of Mesa Plan Review in compliance with applicable development/engineering standards, and building and fire codes for the remaining site as it relates to the proposed property line, and
 - b. Complete work on site in accordance with the approved and permitted documents.

- *c. **Z03-23** The 11200 blocks of East Kilarea (11.87 acres \pm) Rezone from R1-6 PAD DMP to R-2 PAD DMP. This case involves the second phase development of the Sunland Springs Village golf condominiums. Farnsworth Development, owner and applicant – Ordinance No. 4088.

P&Z Recommendation: Approval with conditions (Vote: Passed 5-0).

1. Compliance with the basic development as described in the project narrative and as shown on the site plan and elevations submitted, (without guarantee of lot coverage) except as noted below.
2. Compliance with all City development codes and regulations.
3. Compliance with all requirements of the Development Services Department (Engineering, Traffic Engineering, Solid Waste and Facilities, etc.).
4. Provide 1 tree and 4 shrubs per 25' linear feet of street frontage (required for private local streets less than 60') along the private drive.
5. Compliance with all requirements of the Subdivision Technical Review Committee.

11. Items from citizens present.

Willie Willis, 930 North Mesa Drive, # 1008, discussed negative impacts on citizens with disabilities as a result of bus route eliminations and reductions in service. He asked the Council to initiate action to reinstate Sunday bus service to allow individuals to attend church services.

12. Adjournment.

Without objection, the Regular Council Meeting adjourned at 6:45 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 7th day of July 2003. I further certify that the meeting was duly called and held and that a quorum was present.

BARBARA JONES, CITY CLERK

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