



**CITY OF
MESA**

COUNCIL MINUTES

September 24, 1996

The City Council of the City of Mesa met in a Regular Council Meeting in the Council Chambers, 57 East 1st Street, on September 24, 1996 at 5:30 P.M.

COUNCIL PRESENT

Mayor Wayne Brown
Pat Gilbert
John Giles
T. Farrell Jensen
Dennis Kavanaugh
Joan Payne
Jim Stapley

COUNCIL ABSENT

None

POLICE OFFICER
PRESENT

Scott Martin

OFFICERS PRESENT

C.K. Luster
Neal Beets

The Invocation was given by Councilmember Giles.

The Pledge of Allegiance was led by William Strauss, Troop 630.

1. Approval of minutes of previous meetings as written.

It was moved by Councilmember Stapley, seconded by Councilmember Jensen, that the minutes of September 4, 6, 9, and 11, 1996 be approved.

Carried unanimously.

2. Prescheduled public opinion appearances (maximum of three speakers for five minutes per speaker).

a. Hear from Kirby Allan regarding "Mesa's political corruption."

Mr. Allan was not present to speak at this time.

b. Hear from Bud Smith regarding the Mesa City Charter.

Bud Smith, 5402 East McKellips Road, expressed concern relative to portions of the Mesa City Charter and the roles of the Mayor, City Council, and City Manager. Mr. Smith stated the opinion that the City Manager has exceeded the scope of his responsibilities and duties and that in recent years the power of the citizenry has decreased while the power of the City Manager/ staff has increased.

3. 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 in these minutes with an asterisk (*) were approved with one Council action.

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

Carried unanimously.

4. Consider the following liquor license applications

*a. AHMAD HAMID, AGENT

New Beer and Wine Store License for Mercado Latino II, 635 North Country Club Drive. This is a new business; currently there are no liquor licenses at this location.

*b. JULIA ELLEN DINOVO, INDIVIDUAL

New Restaurant License for Rosalee's 2, 1914 East Baseline Road, #7. This is a new business; currently there are no liquor licenses at this location.

5. Consider the following contracts:

*a. One replacement copier and one replacement fax machine as requested by the Transportation Division.

The Purchasing Division recommends authorizing purchase from the State of Arizona contract with Business Equipment, Inc. for the copier at \$16,479.00 plus 7.05% sales tax of \$1,161.76 for a total of \$17,640.76; and Uni-Copy Corp. for the fax machine at \$1,524.00 plus \$107.44 for a total of \$1,631.44. The combined award is then \$19,272.20.

*b. Annual supply contract for tires in warehouse inventory for use on City vehicles as requested by Fleet Support Services.

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

Categories 1, 2b, & 8 to Charlie Case Tire Company at \$38,523.00 plus 5.75% sales tax of \$2,215.07 for a total of \$40,738.07; Category 2a to Redburn Tire at \$37,901.60 plus 7.05% sales tax of \$2,672.06 for a total of \$40,573.66; Categories 3, 4 & 7 to Western States Tire at \$36,891.38 plus 7.05% sales tax of \$2,600.84 for a total of \$39,492.22; and Categories 5 & 6 to Roberts' Tire Sales at \$199,174.00 plus 6.95% sales tax of \$13,842.59 for a total of \$213,016.59. The combined award is then \$333,820.54.

*c. One Allison 250-C20 R/2 turbine helicopter engine module to be used during F.A.A.-required overhauls as requested by the Police Department.

The Purchasing Division recommends accepting the low bid by National Airmotive Corp. at \$71,765.00 plus 5% use tax of \$3,588.25 for a total of \$75,353.25.

d. Sale of 249 surplus weapons as requested by the Police Department.

The Purchasing Division recommends accepting the highest bid by Law Enforcement Services for \$26,371.40.

Councilmember Payne spoke in opposition to the process of selling surplus weapons.

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

Upon tabulation of votes, it showed:

AYES - Brown-Gilbert-Giles-Jensen-Kavanaugh-Stapley
NAYS - Payne
ABSENT - None

Mayor Brown declared the motion carried by majority vote.

e. Two-year contract for sweeping of arterial streets as requested by the Transportation Division.

The Purchasing Division recommends accepting the proposal of BFI Services for a two-year contract with annual expenditures estimated at \$434,800.00.

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

Vice Mayor Gilbert noted the significant dollar difference between the proposal of BFI Services (recommended award) and the low bidder. Vice Mayor Gilbert recognized the work of staff in developing contract requirements but commented concerning potential monetary savings had the low bidder been able to demonstrate the capability to provide quality equipment and personnel necessary to fulfill the contract.

Carried unanimously.

*f. The purchase of personal computers (PCS) and associated software for various City departments as requested by the Information Services Division (ISD).

The Purchasing Division endorses ISD's recommendation to award a contract for PCS and associated software to CBSI as primary supplier, and Infinisys as secondary supplier. The secondary supplier will be utilized in the event that the primary supplier cannot meet the City's requirements. The combined total award is \$2,192,003.75, based on estimated requirements.

*g. Hand-held citation writing and processing system for the City Court and Police Department as requested by the Information Services Division.

The Purchasing Division recommends accepting the proposal from Cardinal Tracking Incorporated for a hand-held citation and processing system at \$94,097.90, plus 5% use tax of \$4,704.90, for a total of \$98,802.80.

- *h. Conventional pole top and pad mounted transformers for warehouse inventory to be used for various projects by Electric Utility.

The Purchasing Division recommends accepting the lowest bids meeting specification based on lifetime evaluated cost as follows:

Conventional pole top transformers: Items 1-6 to Border States Electric at \$59,756.00 plus 7.05% sale tax of \$4,212.79 for a total of \$63,968.79.

Pad mounted transformers: Items 1, 3, 4, 6, 9, 10, and 11 to Border States Electric at \$50,881.00 plus 7.05% sales tax of \$3,587.11 for a total of \$54,468.11; Items 2, 5, 7, 8, and 12-18 to Armstrong Sales & Associates at \$112,460.00 plus 7.0% sales tax of \$7,872.20 for a total of \$120,332.20.

East Mesa pad mounted transformers: recommend all bids be rejected as none met specification.

The combined award for both types of transformers is \$238,769.10.

- *i The purchase of 75 laptop computers for various City Departments as requested by the Information Services Division (ISD).

The Purchasing Division recommends the purchase of laptop computers on State contract with AmeriData, Inc., Bottomline Enterprises, and MicroAge for the following PC brands: Compaq, IBM, NEC, and Toshiba. The combined total is \$570,036.27, based on estimated requirements.

- *j. MARC job training facility (foundation for people with disabilities); C.D.B.G. funded.

This project will construct a 3,000-square foot job training facility at 422 West Ivyglen Street. The facility will be part of the MARC Center (foundation for people with disabilities). It is a federally funded project of the Department of Housing and Urban Development (HUD) Community Development Block Grant (C.D.B.G.) #9850.

Recommend award to low bidder, Perri Development Corporation, in the amount of \$274,900.00.

- *k. 1996/97 crack seal project - arterial, collector, and residential streets.

This project will provide application of crack seal to various designated arterial, collector, and residential streets within the City of Mesa as part of the City's street maintenance program.

Recommend award to low bidder, Geno's Concrete Asphalt Sawing, Inc., in the amount of \$139,200.76.

- l. Camera/radar traffic enforcement system.

Recommend awarding the contract to U. S. Public Technologies.

Mike Demke, 2534 East Lockwood, commended staff for their efforts in developing the proposal before Council. Mr. Demke indicated initial apprehension relative to the public awareness aspect of the program but

said that the anticipated approach to community education has exceeded his expectations. Mr. Demke expressed the opinion that approval by the City will serve to encourage similar programs in other cities.

Janis Merrill, 30 West 1st Street, an attorney with Udall, Shumway, Blackhurst, Allen & Lyons, representing American Traffic Systems, Inc. (ATS), distributed information to Council and requested that vendor approval be postponed for several weeks. Ms. Merrill stated concern pertaining to the integrity of the procurement process and presented examples that she believes represent noncompliance by U.S. Public Technologies (USPT) with mandatory requirements outlined in the Request for Proposal (RFP).

Bill Brando, 61 South Macdonald, questioned costs associated with implementation of the proposed system. Mr. Brando expressed the opinion that photo radar has not proven effective in all cases and that utilization circumvents provisions for due process of law and unfairly awards an exclusive franchise to a private contractor. Mr. Brando requested that Council delay action on the matter pending further review of the issues presented by Ms. Merrill.

At the request of Mayor Brown, Police Lieutenant Rick Clore outlined the RFP procedure and anticipated personnel costs. Lieutenant Clore noted that site visits were conducted during the evaluation process and that points were awarded collectively by the evaluation team for each component of the RFP.

In response to a question from Vice Mayor Gilbert, Lieutenant Clore advised that he spoke to the president of ATS last week but was unaware of the claims presented to Council today or a plan to request a delay in vendor approval. Lieutenant Clore said that he has not had an opportunity to review the documentation provided to Council.

Purchasing Administrator Sharon Seekins stated that she was provided a copy of the material at the Study Session just preceding the Regular Council Meeting. Ms. Seekins said that she does not have an in-depth response available at this time but is confident that the evaluation team can satisfactorily address each point if requested. Ms. Seekins reported that both vendors were notified of the evaluation team's recommendation last Thursday.

Councilmember Kavanaugh requested clarification pertaining to the duration of the contract. Lieutenant Clore spoke in favor of a one-year pilot program with a one-year renewal option. Ms. Seekins advised that a fee structure based on a one-year program is contained in the report provided to Council as well as an alternate fee structure should Council approve an initial two-year contract.

In response to a question from Councilmember Kavanaugh, Lieutenant Clore commented that while researchers from Arizona State University may support a longer program in an effort to increase the validity of results, a one-year program is acceptable to them.

Councilmember Jensen noted concern regarding the allegations of noncompliance. Lieutenant Clore responded briefly to questions from Councilmember Jensen pertaining to the RFP requirement that radar equipment be capable of performing an external tuning fork calibration test.

Steve Patchen, a consultant working with ATS, requested field testing of both the ATS and USPT equipment. Mr. Patchen expressed the opinion that the evaluation team has been misled and that the evaluation process is flawed and inaccurate. Mr. Patchen spoke concerning the short time frame for notification of the recommended contract award and the lengthy time frame necessary to implement an effective educational campaign.

Councilmember Stapley noted that the City has been reviewing the photo radar system for several months and stated the opinion that the RFP process was equitable.

It was moved by Councilmember Stapley, seconded by Councilmember Jensen, that a one-year contract with a one-year renewal option be awarded to U.S. Public Technologies for a camera/radar traffic enforcement system.

Councilmember Payne stated opposition to the proposal. Councilmember Payne reviewed prior discussions pertaining to camera/radar traffic enforcement and questioned the effectiveness of the system in reducing violations given the increased number of traffic incidents in communities nationwide where cameras/radar have been installed. Councilmember Payne noted that the use of cameras/photo radar has been banned in several states.

Councilmember Payne provided statistics pertaining to the continually increasing number of citations issued in Paradise Valley and the anticipated number of citations that can be expected in Mesa should cameras/photo radar be installed. Councilmember Payne questioned the purpose of the program, noting the substantial revenue potential to both the vendor and the City. Councilmember Payne expressed concern should the City become dependent upon funds generated by the camera/photo radar system to support personnel.

In response to a question from Councilmember Giles, Ms. Seekins stated that the motion complies with the RFP relative to the proposed duration of the contract.

Councilmember Giles commented concerning the short time frame provided for notification of the recommended bid award. Councilmember Giles spoke in favor of postponing vendor approval to allow staff to formally respond to the issues raised by Ms. Merrill.

Vice Mayor Gilbert said that notification from ATS prior to today would have been more appropriate but stated support for a two-week delay to allow staff an opportunity to review and respond to the allegations listed. Vice Mayor Gilbert indicated appreciation for comments expressed by Councilmember Payne but noted the significance of driving behavior modification and individual responsibility toward one another.

Mayor Brown spoke regarding the importance of safety and the potential to reduce traffic incidents through the camera/radar system. Mayor Brown expressed the opinion that earlier notification from ATS should have been provided. Mayor Brown said that he will vote in favor of the motion.

Councilmember Jensen noted the extensive research conducted relative to the proposal before Council. Councilmember Jensen stated support for the motion, commenting that the enforcement system represents an opportunity to improve traffic safety. Councilmember Jensen requested that a response be prepared to the issues presented by Ms. Merrill.

Councilmember Kavanaugh said that discussion should be focused at this time on the proposed contract rather than the merits of the camera/photo radar system. Councilmember Kavanaugh expressed the opinion that the red light program will particularly serve to deter accidents and prevent fatal injuries. Councilmember Kavanaugh stated that he shares the concerns of Councilmembers pertaining to issues raised on behalf of ATS.

Upon tabulation of votes, it showed:

AYES - Brown-Gilbert-Jensen-Kavanaugh-Stapley
NAYS - Giles-Payne
ABSENT - None

Mayor Brown declared the motion carried by majority vote.

At 6:50 p.m. Mayor Brown called for a short recess. The meeting reconvened at 6:58 p.m.

6. Introduction of the following ordinances and setting October 7, 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. Deleted.
- *b. Prohibiting parking on school days, 7:00 a.m. to 4:00 p.m., on the west side of Hall from a point three hundred eighty-five feet (385') south of Jarvis Avenue to a point five hundred ten feet (510') south of Jarvis Avenue, as recommended by the Traffic Safety Committee.
- *c. Amending Section 9-1-4 of the Mesa City Code pertaining to terminology for calculation of engineering inspection fees.

7. Consider the following resolutions:

- *a. Authorizing the City Manager to execute an agreement between the City of Mesa and the Arizona Governor's Office of Community and Highway Safety providing for the funding for the purchase of five (5) Alco-Sensor IVS - Resolution No. 6947.
- *b. Authorizing the City Manager to execute an agreement on behalf of the City of Mesa with Fred T. Ash & Sons, L.C., an Arizona Company - Resolution No. 6948.

This agreement provides for the replacement and abandonment of a 1,431-foot section of 20-inch water line north of University Drive near 88th Street.
- *c. Authorizing the City Manager to execute a quit claim deed to Maricopa County dedicating 22 feet of street right-of-way in the 2800 block of North Gilbert Road - Resolution No. 6949.

Maricopa County needs the right-of-way for a street widening and signage project.

*8. Write-off of utility and miscellaneous accounts.

*8.1. Authorizing the City Manager to execute an Intergovernmental Agreement with the City of Phoenix regarding a Major Investment Study for future transportation corridors.

This will provide a Major Investment Study for a transportation corridor in conjunction with a potential fixed-guideway system.

*8.2. Consider recommending that the transaction fee and late fee be eliminated for various recreation programs as recommended by the Parks and Recreation Board.

(This item was continued to the October 7, 1996 Regular Council Meeting.)

8.3. Consider recommendations from the Utility Committee meeting held September 18, 1996.

- *a. Recommend that a request for extension of utility services at 11015 East Main Street (Apache Trail) be approved subject to stipulations and that the developer work with City staff to pursue the option of extending the sewer service line to connect to the existing sewer line at Broadway Road and Cheshire.
- *b. Recommend that a request for water service at Desert Village South R.V. Park at Crismon Road and Jones Avenue be approved subject to the stipulations listed in the staff report.
- *c. Recommend conceptual approval of the proposal concerning possible acquisition and installation of a fuel cell and encourage completion of the in-depth analysis which is currently underway relative to this issue.

9. Consider the following case from the Planning and Zoning Board and possible adoption of the corresponding ordinance:

- a. **Z96-65** The 2100 and 2200 blocks of East McKellips Road (north side). Rezone from AG to R1-9 (25± acres). This case involves a proposed 62-lot single-residence subdivision. Leland and Louise Coleman, owners; Beazer Homes Holdings, Corp. (Hancock). **A 3/4 VOTE IS REQUIRED TO APPROVE THE APPLICANT'S REQUEST** - Ordinance No. 3239.

P & Z Recommendation: Approval with conditions. (Vote 3-2.)

THE CITY COUNCIL APPROVED THE ZONING FOR THIS CASE AT THEIR AUGUST 26, 1996 MEETING BUT REQUESTED THE CONDITIONS BE REVISED, REQUIRING A NEW ORDINANCE.

THE REVISED CONDITIONS ARE AS FOLLOWS:

1. Compliance with the basic development as shown on the preliminary plat submitted, which depicts two (2) access points to McKellips Road and no connection at Kael Street;
2. Compliance with all requirements of the Public Works Department (Engineering and Traffic Engineering, etc.);
3. Dedicate the right-of-way required under the Mesa City Code at the time of recordation of the subdivision plat or at the time of the City's request for dedication, whichever comes first;
4. Compliance with all requirements of the Subdivision Technical Review Committee;
5. Compliance with the Project Narrative dated June 24, 1996 and the letter from Jason Morris of Beus, Gilbert & Morrill dated August 22, 1996, both of which are included in the zoning case file;
6. The applicant shall preserve a minimum of two (2) citrus trees on each lot with an average of three (3) citrus trees per lot preserved over the entire subdivision;
7. That a minimum of four (4) single-story homes shall be provided along the western boundary adjacent to single-story homes in Orange Blossom Estates (Orange Blossom Estates Lots 5, 14, 17, and 19);

8. The McKellips Road landscape and buffer include existing mature citrus trees;
9. The housing design be consistent with the package submitted to the City of Mesa by Hancock Homes including three (3) separate elevation options for each model, two (2) tile roof options, and six (6) color options. No two (2) home designs or colors shall be allowed on adjacent lots;
10. That those lots located along the western boundary shall provide a minimum width of 85 feet;
11. That the applicant shall offer five (5) distinct homes ranging in size from 2,700 square feet to 3,800 square feet;
12. That the applicant shall investigate the possibility of transplanting existing healthy trees to the northwestern-most lot of Garden Grove (Lot 23);
13. That the applicant will offer an additional stucco pattern beyond the standard stucco pattern otherwise available;
14. That the lots located along the Eastern Canal will be maintained as irrigated lots unless otherwise determined by the applicant to be unfeasible; and
15. Provision of an eight foot (8') sound wall along the McKellips frontage, using the design developed by the City of Mesa.

Paul Gilbert, 3200 North Central, representing Hancock Homes, briefly provided background information concerning the case and the revised conditions for approval outlined by Council at the August 26, 1996 Regular Council Meeting. Mr. Gilbert stated that the proposal by Hancock Homes is in conformance with the City's General Plan and is compatible with the surrounding neighborhood. Mr. Gilbert noted concerns expressed by individuals pertaining to the alignment of Acacia but stated the opinion that it would be inappropriate for Council to deny the case when the developer has complied with the requirements of the City's Traffic Engineering Department. Mr. Gilbert encouraged Council approval of the zoning ordinance.

Jane Ritchie, 2223 Jaeger, related opposition to the zoning request by nearby residents. Ms. Ritchie presented photographs to Council and commented that the project is not compatible with the existing neighborhood. Ms. Ritchie requested that Acacia be offset approximately 320' to the west.

Christopher Ferrante, 2219 East June Street, representing residents of Country Park, stated that the closure of Kael to appease the residents of Orange Blossom Estates results in two entrances to the proposed development from McKellips Road. Mr. Ferrante expressed the opinion that the distance between the entrances is insufficient and will generate traffic accidents. Mr. Ferrante stated that he opposes the alignment of Acacia, particularly if no traffic signal is installed.

Tony Bingham, 2234 East June Street, provided statistics pertaining to accident rates along McKellips Road (exclusive of the Gilbert Road intersection). Mr. Bingham stated support for the suggestion that Acacia be offset to the west, commenting that the recommended alignment of Acacia will increase neighborhood traffic.

Mark Kimball, 2261 East Jaeger, expressed the opinion that the proposal before Council creates a safety risk, particularly given the alignment of Acacia. Mr. Kimball urged Council to further review the case and give consideration to the suggestion that Acacia be offset.

Judith Taylor, 1914 North Acacia, spoke in opposition to the plan. Ms. Taylor commented that the project will increase traffic and endanger children.

Lou Kenison, 1904 North Acacia, stated the opinion that the anticipated lot sizes are inappropriate. Mr. Kenison noted the objections of neighborhood residents and requested that Council deny the case or propose additional modifications.

Earl McClure, 2057 North Gentry, spoke in favor of a traffic signal at Acacia.

Tim Hicks, 2222 East June Street, expressed the opinion that traffic along Acacia is currently excessive and that the proposed development will further increase traffic incidents.

Mylene McClure, 2057 North Gentry, presented photographs illustrating surrounding parcels as well as various properties developed by Hancock Homes. Ms. McClure stated opposition to the plan, noting the increased density, narrow frontage, and incompatibility of the project with surrounding subdivisions.

Jay Hansen, 2052 East Kael, representing residents of Orange Blossom Estates, indicated support of the revised conditions stipulating the closure of Kael Street.

Discussion ensued concerning potential future traffic signals at 24th Street and/or Winterhaven, the reduction of conflict points by aligning Acacia, density of the proposed development, and the anticipated pricing of homes. Traffic and Streets Director Ron Krosting expressed the opinion that increased traffic across McKellips via Acacia is unlikely given the proposed alignment of Acacia.

Mayor Brown suggested that a traffic signal be installed or that Acacia be offset.

Councilmember Giles spoke in favor of aligning Acacia but stated the opinion that a traffic signal is needed at Acacia, Winterhaven, or, preferably, 24th Street. Councilmember Giles indicated a willingness to support the zoning ordinance but requested that consideration be given to installing a traffic signal at one of the noted intersections.

In response to a question from Councilmember Giles, Mr. Krosting advised that a traffic study conducted last year indicated that signalization was not warranted at 24th Street but said that an additional study could be conducted.

Councilmember Kavanaugh stated support for the proposal, including the alignment of Acacia, but indicated a preference for the installation of a traffic signal at the intersection of Acacia and McKellips Road.

Mr. Gilbert responded to questions from Councilmember Jensen pertaining to proposed construction. Councilmember Jensen commended residents for their input and expressed concern regarding the compatibility of the project with the surrounding neighborhood. Councilmember Jensen noted the potential for increased traffic along Acacia and spoke in favor of a traffic signal at the McKellips Road intersection.

It was moved by Vice Mayor Gilbert, seconded by Councilmember Stapley, that the zoning change be approved as recommended and that Ordinance No. 3239 be adopted.

Carried unanimously.

10. Consider the following subdivision plat:

- *a. "EL CASARIO at LAS SENDAS" - The 7000 & 7100 blocks of East Eagle Crest Drive (east side) 30 R1-35-PAD-DMP single residence lots (30.11 acres). Sonoran Desert Holdings, L.L.C. & C.R.M. Holdings, L.L.C., developers; GeoDimensions, engineer.

11. Items from citizens present. (Maximum of three speakers for five minutes per speaker).

John DeShetler, Main Street Billiards, 1749 West Main Street, spoke concerning difficulties associated with the implementation of Proposition 200 and advised that a new organization (VBO) has been established consisting of concerned citizens and business owners. Mr. DeShetler noted support of initiative and recall petitions currently being circulated relative to the smoking measure.

Robert Jackson, Main Street Billiards, 1749 West Main Street, expressed concern regarding economic hardships resulting from Proposition 200. Mr. Jackson advised that Mesa's regulations are much stricter than those implemented in Flagstaff and that the Flagstaff measure provides a variety of exemptions.

12. Adjournment.

It was moved by Councilmember Stapley, seconded by Councilmember Jensen, that the Regular Council Meeting adjourn at 8:02 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 24th day of September 1996. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 9TH day of October 1996

BARBARA JONES, CITY CLERK