

COUNCIL MINUTES

July 27, 2000

The City Council of the City of Mesa met in a Study Session in the lower level meeting room of the Council Chambers, 57 East 1st Street, on July 27, 2000 at 7:30 a.m.

COUNCIL PRESENT

Mayor Keno Hawker
Bill Jaffa
Pat Pomeroy
Claudia Walters
Mike Whalen

COUNCIL ABSENT

Jim Davidson
Dennis Kavanaugh

OFFICERS PRESENT

Mike Hutchinson
Neal Beets

Mayor Hawker excused Vice Mayor Davidson and Councilmember Kavanaugh from the Study Session.

1. Review items on the agenda for the August 1, 2000 Regular Council meeting.

All of the items on the agenda were reviewed among Council and staff with no formal action taken. There was specific discussion relative to the following items:

4. Consider the following contracts:

- *c. Three pumper trucks as requested by the Fire Department. Two trucks are replacements, one is an addition to the fleet.

The Purchasing Division endorses the evaluation team's recommendation to accept the proposal with the highest evaluated score by First In Inc. at \$1,078,320.00 plus 7.5% sales tax of \$80,874.00 for a total of \$1,159,194.00.

Mayor Hawker stated that at the request of Councilmember Pomeroy, this item will be removed from the consent agenda.

In response to a question from Mayor Hawker, City Attorney Neal Beets clarified that vacation time and sick leave constitute bona fide excused absences with regard to a Councilmember's attendance at City Council meetings and recommended that Mayor Hawker note for the record when specific Councilmembers are excused.

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

- *e. Z00-51 The northeast corner of Ellsworth Road and Germann Road. Rezone from R1-43 to P.E.P. and M-1 (152± acres). This case involves the

establishment of industrial zoning to be consistent with the General Plan. Ellsworth Road 160 LLC, owner; Represented by: Kevin Petersen; City of Mesa, applicant. Represented by: Frank Mizner, Planning Director.

Planning Director Frank Mizner provided the Council with a brief overview of the above-agenda item. Mr. Mizner stated that the subject property is zoned R1-43 and that the applicant has filed a preliminary plat for residential development with the understanding that the appropriate zoning is currently in place. Mr. Mizner indicated that the site has been designated for general industrial use and said that staff is recommending denial of the plat. Mr. Mizner added that the Planning and Zoning Board has directed staff to initiate a rezoning case to bring the property into compliance with the General Plan. Mr. Mizner said that the applicant is opposed to such rezoning, which will require a $\frac{3}{4}$ vote, and plans to speak on the legal protest they have filed at the August 1, 2000 Regular Council Meeting.

In response to a question from Mayor Hawker, Mr. Beets advised that anything other than a conflict of interest does not reduce the required number of votes necessary for Council approval.

Councilmember Whalen stated his intention to meet with Mr. Beets to determine if a conflict of interest exists.

Mr. Beets suggested that if the Council does not have enough votes to approve this issue, that consideration be given to a continuation of this agenda item.

Mayor Hawker requested that Mr. Beets explain the $\frac{3}{4}$ vote requirements at the meeting for the benefit of the Councilmembers, the audience and particularly the applicant. Mayor Hawker added that the applicant may decide to request a continuance based on this information.

Discussion ensued relative to other properties in the area with similar R1-43 zoning which, according to the General Plan, are industrial designations, the fact there are similar properties located north and south of Williams Gateway Airport, the fact that the applicant has filed a plat for residential development and staff's request for direction relative to this case, which will set a precedent for future zoning cases in this area.

Mayor Hawker suggested that this issue be discussed at the City Council retreat and stressed the importance of pursuing all avenues in order to protect the Williams Gateway Airport locale.

Further discussion ensued relative to proceeding forward and notifying the landowners of the City's intentions.

Councilmember Jaffa requested additional input from staff relative to the City's legal rights with regard to rezoning property which was previously zoned by Maricopa County.

2. Consider Applicant's request that the City Council reconsider Zoning Case No. Z00-27 – 5520 East Baseline Road, Rezone from M-1 to AG (2.5+ acres).

(NOTE: This case involved a time limit condition and reversion of the current zoning designation. RockMart Landscaping Materials, owner; Kemp Morris, applicant. Council voted at the Council Meeting held July 27 to uphold staff's recommendation that the zoning revert from M-1 to AG. The original zoning change from M-1 to AG had a five-year time limit. That time limit has now expired. Residential and commercial development in the vicinity is imminent. Therefore, the applicant's operation is no longer a compatible with that area and the original five-

year time limit should not be extended. Applicant wants to address the Council and present reasons for the Council to reconsider its decision.)

Mr. Mizner presented a brief synopsis of the above-agenda item. Mr. Mizner stated that the applicant is requesting that the Council reconsider action they initiated at the July 27, 2000 Council Meeting and if approved, that a new ordinance be drafted for introduction at the August 28, 2000 Council Meeting. Mr. Mizner explained that the applicant is requesting a six-month postponement of Code Compliance enforcement in order to provide sufficient time to relocate the business.

Mayor Hawker stated that he received a telephone call relative to this agenda item and has agreed to allow a representative of the applicant to make a single presentation to the entire Council. Mayor Hawker emphasized that in the future, he would require applicants to proceed through the proper administrative channels.

Rodney Jarvis, 2575 East Camelback Road, Phoenix, an attorney representing the applicant, addressed the Council relative to this agenda item. Mr. Jarvis acknowledged that the applicant is prepared to vacate the property, but requires an adequate amount of time to remove the existing rock, flagstone and brick from the site. Mr. Jarvis stated that although the applicant initially requested a six-month extension, a four-month delay would be acceptable. Mr. Jarvis explained that the applicant would agree to the following provisions: 1) No request for an extension of time to vacate the property or application for M-1 zoning as a delay tactic; 2) No additional material will be delivered to the site; 3) The business would cease operations at the subject property and 4) Appeal rights to the City or to any court would be waived.

In response to a question from Mayor Hawker, Mr. Beets advised that the Council requires four votes to approve a motion for reconsideration.

It was moved by Councilmember Jaffa, seconded by Councilmember Pomeroy, that the applicant's request for reconsideration be placed on the agenda of the August 28, 2000 Regular Council Meeting.

Councilmember Jaffa requested that Mr. Beets analyze this issue and determine whether the applicant's four provisions for approval (listed above) are legal and appropriate.

Discussion ensued relative to the fact that pending Council action on August 28th, no code enforcement action will occur, the fact that should the Council not approve the applicant's request for reconsideration, the applicant will be in violation of the current ordinance, the fact that staff will prepare a modified ordinance for Council's possible consideration at the August 28, 2000 Council Meeting, and the applicant's intention to immediately begin removing the materials from the site.

Councilmember Pomeroy stated that he is in support of granting the applicant an extension of time in which to remove the material from the site.

Mayor Hawker indicated that he is not in support of the motion and stated the opinion that the applicant did not fulfill his obligations and should comply with the terms of the current ordinance. Mayor Hawker cautioned the Council against setting a precedent for similar cases in the future.

Councilmember Jaffa said he has full confidence in the applicant and stated the opinion that special circumstances exist to warrant the granting of additional time.

Upon tabulation of votes, it showed:

AYES - Jaffa-Pomeroy-Walters
NAYS - Hawker-Whalen
ABSENT - Davidson-Kavanaugh

Mayor Hawker declared the motion failed by majority vote of those present.

3. Hear a presentation on the addition of evening transit service on all routes operated by the City of Mesa, as well as one additional route.

Transportation Director Ron Krosting and Transit Coordinator Christine Simmons provided the Council with a brief synopsis of the above-agenda item. Ms. Simmons indicated that commencing August 14, 2000, the City of Mesa will extend evening transit service on all City routes in addition to one route that is operated by the City of Tempe. Ms. Simmons explained that the extended services will greatly benefit current transit customers as well as provide an option to new customers including students, individuals with alternative work schedules, and will also allow the riders to transfer to other transit operations such as City of Tempe, City of Phoenix and the Regional Public Transportation Authority. Ms. Simmons added that the estimated \$190,000 cost for the service is fully funded through the Quality of Life sales tax program.

Discussion ensued relative to the fact that the City of Mesa currently has a ridership of approximately one million customers a year, the fact that staff is anticipating an estimated 15% increase in ridership due to the additional service and the fact that staff is endeavoring to refine current bus routes to more efficiently accommodate transit customers.

Councilmember Walters expressed appreciation to staff for their presentation and commented that the evening transit service is a great asset to the community. Councilmember Walters also encouraged staff to update the Council relative to alternative bus routes, the status of bus pullouts and bus shelters.

Councilmember Jaffa concurred with the opinions of Councilmember Walters and further stated that the extended evening transit service is an extremely cost-effective measure.

In response to a question from Mayor Hawker, Ms. Simmons clarified that citizens can acquaint themselves with the new program by viewing the City of Mesa or the Valley Metro web sites or by contacting the City's Transportation Department or the Valley Metro Customer Service Department.

Mayor Hawker thanked staff for their presentation.

4. Discuss and consider implementation of a Public Access – Automated External Defibrillation program.

Fire Chief Dennis Compton, Management Assistant Dorinda Larsen and Battalion Chief Gary Bradbury presented a brief overview of the agenda item. Chief Compton explained that the

implementation of a public access Automated External Defibrillation (AED) program is a critical building block in the Fire and Life Safety infrastructure of the City of Mesa.

Chief Bradbury explained the purpose of the AED unit. Chief Bradbury stated that defibrillation is a conversion of a lethal cardiac rhythm to a more normal cardiac rhythm, and once that has been accomplished, paramedics can continue with the patient's stabilization process followed by more definitive care administered by a physician. Chief Bradbury added that the most common arrhythmia associated with cardiac arrest is ventricular fibrillation and one of the most effective means by which to intercept that is with an AED unit. Chief Bradbury noted that it is the desire of the Mesa Fire Department to augment their current emergency response, which averages about four minutes, with the utilization of an AED program.

Chief Bradbury said that many public access AED programs across the nation have been successfully implemented in areas including airports, sports arenas, banks, industrial plants and Las Vegas casinos.

Chief Bradbury explained that the Fire Department is seeking Council approval to institute a pilot program in various City facilities including the Mesa Multigenerational Center, shopping centers, the Mesa Senior Center and the Mesa City Plaza building.

Chief Bradbury conducted a brief demonstration of the AED unit.

It was moved by Councilmember Walters, seconded by Councilmember Pomeroy, that staff's recommendation be approved.

In response to a question from Mayor Hawker, Chief Bradbury indicated that the cost of the five AED units will be generated through donations from the Fire Department's Emergency Services contributions fund.

Councilmember Pomeroy spoke in support of the motion and emphasized that if the units can save lives, it is imperative that the City make them available to its citizens.

Upon tabulation of votes, it showed:

AYES - Hawker-Jaffa-Pomeroy-Walters-Whalen

NAYS - None

ABSENT - Davidson-Kavanaugh

Mayor Hawker declared the motion carried unanimously by those present.

Mayor Hawker expressed appreciation to staff for their input.

5. Appointments to boards and committees.

Mayor Hawker recommended the following appointments to Boards and Committees:

JOINT MASTER PLANNING COMMITTEE:

John Giles – Co-Chairman

Pat Gilbert – Co-Chairman

Craig Ahlstrom
Wilford Andersen
Roc Arnett
Phil A. Austin
Stan Barnes
Teresa Brice-Heames
Nick Carr
Beth Coons
Louise Daggs
Ken Driggs
Ben Fernandez
Scott Forkenbrock
Rex Griswold
Len Locke
Ivan Makil
Dr. Albert McHenry
Pat Mendivil
Steve H. Patience
Tara Plese
Bob Power
Julie Rice
Jack Sellers
Gary Smith
Lela Steffey
Roman W. Ulman
Chris Zaharis

It was moved by Councilmember Pomeroy, seconded by Councilmember Walters, that the Council concur with the Mayor's recommendations and the appointments be confirmed.

Councilmember Jaffa stated that based on concerns relative to equal district representation and the proposed membership of the Joint Master Planning Committee, he will not support the motion.

Upon tabulation of votes, it showed:

AYES - Hawker-Pomeroy-Walters-Whalen
NAYS - Jaffa
ABSENT - Davidson-Kavanaugh

Mayor Hawker declared the motion carried by majority vote of those present.

6. Acknowledge receipt of minutes of various boards and committees.

- a. Crime Prevention Advisory Board meeting held July 19.
- b. Museum and Cultural Advisory Board meeting held July 13.
- c. Parks and Recreation Board meeting held July 13.
- d. Human Relations Advisory Board meetings held July 8 and July 19.*

(* Mayor Hawker amended the minutes of the July 8, 2000 Human Relations Advisory Board meeting. City Clerk's Office staff will forward the corrections to the Board.)

It was moved by Councilmember Walters, seconded by Councilmember Whalen, that receipt of the above-listed minutes be acknowledged.

Carried unanimously.

7. Hear reports on meetings and/or conferences attended.

Mayor Hawker reported on his recent attendance at a Maricopa Association of Governments (MAG) Transportation Committee Meeting and noted that he was appointed Committee Chairman. Mayor Hawker explained that the primary emphasis of the Committee will include projected 20-year updates for the MAG program, new technology, air quality and alternative transit issues.

Mayor Hawker also announced that he has been appointed Chairman of the Williams Gateway Airport Authority.

Mayor Hawker stated he attended a Regional Council Meeting which centered on issues regarding the Superstition Freeway.

8. Scheduling of meetings and general information.

City Manager Mike Hutchinson advised that the meeting schedule is as follows:

Tuesday, August 1, 2000, 4:30 p.m. - Council Study Session

Tuesday, August 1, 2000, 5:45 p.m. - Regular Council Meeting

Wednesday, August 2, 2000, 8:00 a.m. - Council Briefing/Information Session, Media Relations Training

Monday, August 28, 2000, TBA - Council Study Session

Monday, August 28, 2000, 5:45 p.m. - Regular Council Meeting

Tuesday, September 26, 2000, 8:00 a.m. - Council/Motorola Breakfast Meeting

Councilmember Jaffa requested that he be excused from the August 1, 2000 Regular Council Meeting.

9. Prescheduled public opinion appearances.

There were no prescheduled public opinion appearances.

10. Items from citizens present.

There were no items from citizens present.

11. Adjournment.

Without objection, the Study Session adjourned at 8:30 a.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 Study Session of the City Council of Mesa, Arizona, held on the 27th day of July, 2000. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this ____ day of _____ 2000

BARBARA JONES, CITY CLERK