

COUNCIL MINUTES

October 6, 1997

The City Council of the City of Mesa met in a Regular Council Meeting in the upper level of the Council Chambers, 57 East 1st Street, on October 6, 1997, at 5:46 p.m.

COUNCIL PRESENT

Mayor Wayne Brown
Pat Gilbert
John Giles
Dennis Kavanaugh
Joan Payne
Wayne Pomeroy
Jim Stapley

COUNCIL ABSENT

None

POLICE OFFICER PRESENT

Scott Martin

OFFICERS PRESENT

C.K. Luster
Neal Beets
Barbara Jones

The Invocation was given by Pastor Don Thompson, Love of Christ Lutheran Church.

The Pledge of Allegiance was led by Elizabeth Adeola, Girl Scout Troop #4000.

Recognition of the 1997 scholarship awardees from the Mayor's Disability Awareness Committee.

Mayor's Disability Awareness Committee Chairman Tracy Rikelli and Committeemember Judy Taussig provided the audience with brief information relative to the Committee and announced the names of the 1997 scholarship award recipients.

Mayor Brown congratulated the scholarship winners and expressed appreciation to the members of the Committee for their efforts.

Presentation of Valley Forward Association/Honeywell "Crescordia Award" to Mayor Brown for HoHoKam Stadium.

Community Services Manager Wayne Korinek presented Mayor Brown with the Crescordia Award in recognition of the HoHoKam Stadium project and advised that the name 'Crescordia' means "to grow in harmony." Mr. Korinek commended all those who participated in the Stadium project.

Mayor Brown expressed appreciation to the Valley Forward Association/Honeywell for the Award and commended Mr. Korinek and his staff for their efforts.

Mayor Brown announced that the Council Chambers will be undergoing renovation and stated that during the construction period the Regular Council Meetings will be held at the Conference Center located at 201 North Center Street. Mayor Brown briefly noted other changes to the normal meeting schedule and encouraged anyone interested in attending the meetings to contact the Public Information Office for additional scheduling and/or meeting location information.

Mayor Brown also mentioned that the Council will be utilizing a new computerized voting system for the meeting.

1. Approval of minutes of previous meetings as written.

It was moved by Councilmember Pomeroy, seconded by Councilmember Stapley, that the minutes of September 12, 15, and October 2, 1997, 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 in these minutes with an asterisk (*) were approved with one Council action.

It was moved by Councilmember Stapley, seconded by Councilmember Pomeroy, that the Consent Agenda be approved.

Carried unanimously.

3. Consider the following liquor license applications.

*a. JOSEPH SPADARO PROGRAM DIRECTOR

Special Event License application of Joseph Spadaro, Program Director, for St. Bridgets Knights of Columbus, a one-day fraternal event to be held Friday, November 14, 1997, from 6:00 p.m. to 12:00 Midnight, at 2213 N. Lindsay Road, St. Bridget Catholic Church.

*b. JEAN M. KAMINSKI, ADMINISTRATOR

Special Event License application of Jean M. Kaminski, Administrator, for St. Bridget Catholic Church, a one-day religious event to be held Saturday, October 11, 1997, from 12:00 Noon to 10:00 p.m., at 2213 N. Lindsay Road, St. Bridget Catholic Church.

*c. ALLEN W. GRANT, INDIVIDUAL

Person transfer Liquor Store License for Southside Liquors, 47 W. Broadway Road. This transfer is from Robert E. Grant, Etal, Southside Liquors, to Allen W. Grant, Individual, Southside Liquors.

*d. ROBERT MARK CORMIER, AGENT

New Beer and Wine Store License for Texaco Starmart, 6807 E. Broadway Road. This is a new business, no previous liquor licenses at this location.

e. KIMBERLY ANN BUTLER, AGENT

New Restaurant License for The Duchess, 3929 E. Main Street, Suite 2. The license previously held at this location by Shirley A. Frank, Agent, for MCS Restaurant, Inc., will revert back to the State.

In response to questions posed by Vice Mayor Gilbert, Kimberly Ann Butler, applicant, and her husband provided brief background information relative to their experience in the restaurant business. Ms. Butler advised that she served as Director of Operations for 15 years for the Burger King franchise in the Valley and that both she and her husband have worked and trained closely with the previous owners. Ms. Butler confirmed her intention to continue to meet required food sale ratios in the future.

Discussion ensued relative to hours of operation, the fact that the restaurant currently serves dinner, menu selections, and the quality of meats served at the facility, and the fact that Mr. Butler serves in the capacity of chef.

Vice Mayor Gilbert thanked Mr. and Mrs. Butler for their input and wished them success in their operation.

Following the Mayor's indication that the application is in conformance with ARS 4-201F, it was moved by Vice Mayor Gilbert, seconded by Councilmember Kavanaugh, that this New Restaurant License application be approved.

Carried unanimously.

*f. SALVADOR F. GONZALEZ, INDIVIDUAL

New Restaurant License for Las Cazuelas Mexican & Seafood, 1526 E. Main Street. This is an existing business, no previous liquor licenses at this location.

*g. MARIA LOURDES AVILES, INDIVIDUAL

New Restaurant License for Lulu's Tacos Mesa, 2311 W. Broadway Road. The license previously held at this location by Jacinto Valle, Individual, Mariscos Chihuahua, will revert back to the State.

*h. YUN I. GROTE, AGENT

New Restaurant License for Sekai Sushi, 1017 S. Gilbert Road, Suite 109. The license previously held at this location by William F. Furano, Etal, Furano's New York West, did not renew their 1989 Liquor License.

*i. ANTHONY J. VALELA, AGENT

New Restaurant License for Tastebuds Bar & Grill, 1734 E. Main Street, Suite 5. This is an existing business, no previous liquor licenses at this location.

4. Consider the following contracts:

- *a. One-year renewal of the annual supply contract for spray marking paint for warehouse inventory. These paints are used by several City departments to mark underground utility locations and for painting water meters.

The Purchasing Division recommends exercising the second and final one-year renewal option with the original low bidders as follows:

Item 1 to Crow Company at \$2,162.16 plus 7.05% sales tax of \$152.43 for a total of \$2,314.59; and;

Items 2-11 to Garden West Distributors at \$20,755.92 plus 7.05% sales tax of \$1,463.29 for a total of \$22,219.21.

The combined award is then \$24,533.80 based on estimated requirements.

- *b. Training and duty ammunition for new rifles requested by the Police Department. This will be a one year supply of training and duty ammunition for the rifles recently purchased for Police supervisor vehicles.

The Purchasing Division recommends accepting the low bid from San Diego Police Equipment Co., Inc., at \$12,146.78 plus 5% use tax of \$607.33 for a total of \$12,754.11.

- *c. Three replacement refuse trucks as requested by the Solid Waste and Facilities Division.

The Purchasing Division recommends accepting the low bids as follows:

Item 1 to Sundance Truck Center (base bid) for \$84,505.32 including applicable sales tax and extended warranties on the engines and transmissions; and

Item 2 to Southwest Peterbilt, Inc. for \$170,626.50 including applicable sales tax and extended warranties on the engine and transmission. The combined award is then \$255,131.82.

- *d. One year supply of fire tools, hose and related equipment for the Fire Department. These items are routine replacements for worn or retired equipment and tools.

The Purchasing Division recommends accepting the low bid meeting specification for each item as follows:

Items 1, 3, 9, 10, 11, 12, 14, 23, 26, 27, 36, 38, 40, 41, 43, and 46 to L.N. Curbs & Sons at \$8,464.00 plus 5% use tax of \$423.20 for a total of \$8,887.20;

Items 2, 4, 5, 6, 7, 13, 24, 28, 29, 35 and 45 to First In Inc. at \$22,591.35 plus 7.05% sales tax of \$1,592.69 for a total of \$24,184.04;

Items 15, 16, 17, 18, 19, 20, 21, 22, 25, 30, 31, 32, 33, 34, 37, 44 and 48 to United Fire Equipment at \$28,119.57 plus 7.0% sales tax of \$1,968.36 for a total of \$30,087.93; and

Items 8, 39, 42 and 47 to Wildfire Pacific Inc. at \$3,926.65 plus 5% use tax of \$196.33 for a total of \$4,122.98.

The combined award is then \$67,282.15.

*e. Storm Drain Improvements.

This project involves constructing storm drain improvements at Brown Road and Ambrosia, Brown Road and Alta Mesa Drive, Alta Mesa Drive South of McLellan and Recker Road and Main Street.

Recommend award to low bidder, Calyber Contracting, in the amount of \$111,789.00.

*f. Gas Line and Water Line Improvements on Sossamon Road from Baseline Road to Guadalupe Road.

This project involves installing a new gas line and a new water line along Sossamon Road from Baseline Road to Guadalupe Road.

Recommend award to low bidder, Downey Construction, in the amount of \$450,330.99.

*g. Fitch Park Improvements.

This project involves renovating the existing play area and lighting at Fitch Park.

Recommend award to low bidder, the Achen-Garner Companies, in the amount of \$264,903.00.

*h. Guerrero-Rotary Park Improvements.

This project involves renovating the existing play area of Guerrero-Rotary Park.

Recommend award to low bidder, AC Taylor Contracting, in the amount of \$117,343.05.

5. Introduction of the following ordinances and setting October 20, 1997, 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 the south side of Juanita Avenue from Country Club Drive to Macdonald, and on Adobe Street from 80th Street to 81st Street; and prohibiting parking from 8:00 a.m. to 4:00 p.m. on school days on the west side of 25th Street from Adobe Street to a point 240 feet south of Adobe Street; as recommended by the Traffic Safety Committee.

- *c. Code Amendment: Amending Section 11-13-2 of the Mesa City Code, Supplementary Provisions, by modifying the procedure for approval of accessory living quarters, amending the provisions pertaining to yard encroachments, and involving various technical and clerical changes intended for purposes of clarification of existing provisions.
- *d. **Z97-61** The 3600 through 4400 blocks of North Hawes Road (North 84th Street), both sides. Rezone from R1-90 to R1-90-DMP.
- *e. **Z97-73** 1930 East Brown Road. Rezone from R1-9 to O-S (1+ acre). This case involves development of an office building.
- *f. **Z97-75** The northeast corner of Southern Avenue and Signal Butte Road. Rezone from R1-9 to R1-6-PAD and C-2 (60± acres). This case involves development of a single residence subdivision and a future retail parcel.
- *g. **Z97-76** The northwest corner of McKellips Road and the C.A.P. Canal. Rezone from R1-35 to R-2-PAD (11± acres). This case involves development of a single residence subdivision.
- *h. **Z97-78** 3129 East McKellips Road. Rezone from R1-43 (Conceptual C-2) to C-2 (1± acre). This case involves development of a restaurant.
- *i. **Z97-80** The southeast corner of Stapley Drive and the Superstition Freeway (37± acres). Rezone from AG to M-1 with a Council Use Permit. This case involves development of a movie theater complex with pad buildings.
- *j. **Z97-81** The 6000 through 6300 blocks of South Power Road (east side). Establish City AG (30.10 acres). This case involves the establishment of City zoning on previously annexed property.
- *k. **Z97-82** 825 South Dobson Road. Rezone from C-1 to C-2-BIZ (5.0± acres). This case involves the development of a 3 story, 222 room hotel.
- *l. **Z97-83** The 5700 and 5800 blocks of East Baseline Road (north side). Rezone from AG to M-1 (38± acres). This case involves the development of the Skill Golf learning facility, offices, and manufacturing plant.
- *m. **Z97-84** The northwest corner of Baseline Road and Power Road. Site Plan Review (1.3 acres). This case involves the development of a gas station and convenience store.
- *n. **Z97-85** The 1300 block of North 40th Street (west side). Rezone from AG to R1-35 PAD (5.14 acres). This case involves the development of a 6 lot residential subdivision.

6. Consider the following resolutions:

- a. Approving and authorizing the City Manager to execute an agreement between the Regional Public Transportation Authority and the City of Mesa for the operation of the Mesa/Chandler/Gilbert Dial-A-Ride service - Resolution No. 7107.

Councilmember Kavanaugh stated that he does not oppose a regional approach to managing the Dial-A-Ride service or allowing the Regional Public Transportation Authority (RPTA) to administer the contract. Councilmember Kavanaugh added that he and members of the Council have consistently received numerous complaints over the past several years regarding the quality of service that is being provided.

Discussion ensued relative to service delays, unacceptable employee performance levels and the importance of improving the overall Dial-A-Ride program in Mesa.

Transit Coordinator Tom Wright advised that representatives from both the RPTA and Arnett Transportation Services, the provider, are present to answer Council questions.

In response to questions posed by Councilmember Kavanaugh, Mr. Al Chandler, Vice President of Contract Services for Arnett Transportation Services, discussed the content and anticipated implementation timetable for a recently developed Dial-A-Ride Improvement Plan. Mr. Chandler expressed the opinion that significant changes will occur throughout the winter and that a survey process to initiate feedback on the improvements, will be implemented after the first of the year.

Mr. Chandler stated that Dial-A-Ride employees currently receive 60 hours of training and that classes in basic First Aid, CPR Certification and Sensitivity Training are also provided. Mr. Chandler briefly commented on a program entitled "Strawberries" and said that portions of the program, which relates to sensitivity issues and patient-related customer service training for telephone operators, have also been implemented.

Councilmember Kavanaugh reported that the Council consistently receives a significant number of complaints relative to patient waiting times and patient pick up/delivery delays. Councilmember Kavanaugh stressed the importance of ensuring that the users of this service are not subject to long delays, particularly during the hot summer months, and requested that Mr. Chandler outline a plan of action to immediately correct this critical issue.

Mr. Chandler stated that Dial-A-Ride has recently implemented an on-line computerized system and expressed the opinion that the new technology will reduce delays. Mr. Chandler added that a 'router' position has been developed with the job responsibility of analyzing various pick up and drop off routes in an effort to increase efficiency, accuracy, and timeliness.

Vice Mayor Gilbert informed Mr. Chandler that complaints received from Dial-A-Ride users consistently refer to incidents of driver rudeness, particularly towards disabled users. Vice Mayor Gilbert strongly encouraged management to initiate steps to alleviate this type of inappropriate behavior. Vice Mayor Gilbert noted the importance of receiving specific responses to questions regarding quality improvement and emphasized the fact that the service providers should be required to meet specific service standards. Vice Mayor Gilbert also commented on the importance of managing peak-load demands in a timely manner.

In response to a question from Mayor Brown relative to a recently initiated driver sensitivity program, Mr. Chandler reported an improvement in driver attitudes. Mr. Chandler added that he and the newly appointed General Manager are scheduled to attend a transit-related sensitivity program that is being enacted by the Suicide Prevention organization. Mr. Chandler informed the Council that portions of this training may be included in Dial-A-Ride training seminars in the future.

Mayor Brown concurred with Vice Mayor Gilbert and Councilmember Kavanaugh relative to the significant amount of complaints received from the citizens and noted the Council's intention to closely monitor Dial-A-Ride's performance.

Mayor Brown thanked Mr. Chandler for his comments.

It was moved by Vice Mayor Gilbert, seconded by Councilmember Stapley, that Resolution No. 7107 be adopted.

Carried unanimously.

*b. Authorize the City Manager to execute documents to acquire property at 170 West University on behalf of the Child Crisis Center for use as the Family Resource Center Resolution No. 7102.

*c. Authorizing the City Manager to execute documents amending the existing Maricopa HOME Consortium Intergovernmental Agreement (IGA). The amendment will allow the Town of Gilbert to join the Consortium and allows other revisions to the IGA - Resolution No. 7103.

*d. Extinguishing a public utility and facilities easement at 1403 S. Alma School Road - Resolution No. 7104.

The easement is not being used and is in conflict with the construction of a new Red Lobster restaurant.

*e. Vacating a portion of public roadway and extinguishing a portion of a public utility and facility easement in Somerset Estates - Resolution No. 7105.

Lots 21, 22 and 23 of Somerset Estates are being combined and new right-of-way and easements are being dedicated.

*f. Pertaining to floodplain management. Declaring that the City of Mesa will not exercise the powers and duties associated with floodplain management but will defer to the Maricopa County Flood Control District - **CONTINUED TO THE OCTOBER 20, 1997, REGULAR, COUNCIL MEETING.**

*g. Authorizing the transfer of a remnant parcel of land located in Tract A of Rita Vista Estates - Resolution No. 7106.

The adjacent property owner has agreed to accept and maintain this portion of the retention area.

h. Providing for the issuance and sale of \$19,000,000 aggregate principal amount of City of Mesa, Arizona, Street and Highway User Revenue Bonds, Series 1997 – Resolution No. 7108.

Bill Brando, 61 South Macdonald, addressed the Council relative to this agenda item.

Mayor Brown questioned whether Mr. Brando had contacted staff in an effort to obtain answers to his questions as recommended by the Mayor at the October 3, 1997 Council Study Session.

Mr. Brando stated that he had not contacted staff relative to this agenda item.

Mr. Brando expressed the opinion that the placement of an agenda item representing a significant sum of money such as this, should not be placed on the Consent Agenda and that a summary explanation of the issue should be provided.

Mayor Brown provided Mr. Brando with a brief explanation of this agenda item.

It was moved by Vice Mayor Gilbert, seconded by Councilmember Stapley, that Resolution No. 7108 be adopted.

Carried unanimously.

7. Consider the following ordinances:

- a. Establishing a business license for the operation of recovery homes and supervised living facilities - Ordinance No. 3394.

Patricia Henderson, 1815 North Center, Founder and Director of Women in New Recovery, addressed the Council relative to this issue. Ms. Henderson discussed her efforts to assist in the establishment of licensing requirements for halfway houses. Ms. Henderson informed the Council that it was her understanding that the development of a suitable licensing process would negate the current Council Use Permit requirement. Ms. Henderson stated concern that the proposed licensing, in addition to the permit process, will negatively alter the current method of halfway house operations. Ms. Henderson referred to the Fair Housing Amendment and briefly discussed disabled halfway house patrons. Ms. Henderson requested that the record reflect her strong opposition to the adoption of this ordinance.

John Schwary, 1815 North Center, Director and Founder of the Transitional Living Communities, noted that his organization operates 210 beds within the City of Mesa and approximately 500 additional beds in Phoenix, Albuquerque and Las Vegas. Mr. Schwary concurred with his wife's comments (previous speaker) and stated for the record that he opposes the Council Use Permit and the proposed licensing.

Frank Bennett, 101 East 1st Avenue, noted that he had requested that a member of the Council remove this item from the Consent Agenda and that following its removal, the issue was once again placed on the Consent Agenda. Mr. Bennett stated the opinion that none of the members of the Council have personally visited any of the halfway houses in the City of Mesa. Mr. Bennett commented that he supports the differentiation between recovery homes and halfway houses. Mr. Bennett noted that alcoholism and drug addiction are epidemics and impact everyone in the community. Mr. Bennett expressed the opinion that the proposed licensing requirements constitute a violation of Federal law and will be challenged. Mr. Bennett added that a majority of the halfway houses and recovery homes in Mesa are managed by responsible businessmen who have invested large sums of money to redevelop slum properties and improve the community.

Mayor Brown thanked the speakers for their input.

Councilmember Kavanaugh reported that the Council was not unanimous in their opinion regarding the recommendations of the licensing taskforce. Councilmember Kavanaugh advised that he supported the entire list of recommendations with respect to Council Use Permits and licensing. Councilmember Kavanaugh expressed the opinion that the Council Use Permit process precludes the addition of other facilities in the City of Mesa but noted that a majority of the Council has voted to continue the current process. Councilmember Kavanaugh added that although the licensing provisions are beneficial, in his opinion all of the recommendations of the taskforce should have been implemented. Councilmember Kavanaugh announced that he will support the adoption of the ordinance with reservations and reiterated that he would prefer that all of the recommendations of the taskforce be adopted.

Mayor Brown noted that he and Councilmember Stapley have visually inspected a minimum of 25 halfway houses in Mesa. Mayor Brown briefly commented on citizen concerns relative to the effect of service organizations on neighborhoods and property values and expressed the opinion that the proposed regulations are appropriate. Mayor Brown noted that the Council appreciates the efforts expended by the members of taskforce.

Councilmember Giles commented that he initially requested that this item be removed from the Consent Agenda to allow time to research concerns expressed by Mr. Bennett. Councilmember Giles stated that following further investigation into this issue, he has determined that the proposed regulations are appropriate and stressed the importance of initiating a 'two-pronged approach,' which addresses both zoning and licensing requirements. Councilmember Giles informed those present that he has expressed a willingness to reconsider his previously stated opinion regarding Council Use Permits. Councilmember Giles added that he supports the adoption of stringent licensing requirements and commented that following a review of their effectiveness, the issue of Council Use Permits or Special Use Permits from the Board of Adjustment should be readdressed.

It was moved by Councilmember Giles, seconded by Councilmember Kavanaugh, that Ordinance No. 3394 be adopted.

Carried unanimously.

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

9. Consider the following subdivision plats:

- *a. "THE COMMONS INDUSTRIAL PARK AT FALCON VIEW UNIT 2" The 2900 through 3100 blocks of North Maple (east side) 22 M-1 industrial lots (34.66 acres). Travelers Construction Co., L.C. and Western Commerce Co., L.L.C., developers; ACE Engineering, Inc., engineer.
- *b. "FONTANA VILLAGE" - The 2900 block of East Brown Road (north side) 18 R-2-PAD patio home lots (2.25 acres). Brown Mesa Villas, L.L.C., developer; Montgomery Engineering & Management, engineer.
- *c. "SUNLAND SPRINGS VILLAGE UNIT ONE, PHASE 2" - The 10800 through 11300 blocks of East Baseline Road (south side) 304 R1-6-DMP single residence lots (213.5 acres). Transnation Title Insurance Company and Springs Golf Company, L.P., developers; Clouse Engineering, Inc., engineer.

10. Adjournment.

It was moved by Councilmember Stapley, seconded by Councilmember Pomeroy, that the Regular Council Meeting adjourn at 6:55 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 6th day of October 1997. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 22nd day of October 1997

BARBARA JONES, CITY CLERK