

# COUNCIL MINUTES

October 21, 2002

The City Council of the City of Mesa met in a Regular Council Meeting in the Council Chambers, 57 East 1st Street, on October 21, 2002 at 5:45 p.m.

## COUNCIL PRESENT

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

## COUNCIL ABSENT

Dennis Kavanaugh

## STAFF PRESENT

Mike Hutchinson  
Barbara Jones

Mayor Hawker excused Vice Mayor Kavanaugh from the meeting.

Invocation by Reverend Chris Carpenter, Christ The King Catholic Church.

Pledge of Allegiance was led by Kevin Petersen, Boy Scout Troop #716.

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.

Mayor Hawker and City Clerk Barbara Jones provided an update regarding the upcoming election.

### 1. November 5, 2002 Election – General Plan

Ms. Jones stated the State's General Election will be conducted on November 5, 2002 and commented on the fact that Mesa's updated General Plan (Proposition 405) will be on the ballot. She reported that early voting is presently being conducted, that voters who requested an early ballot for the State Primary Election will automatically be sent an early ballot for the General Election, and that the last day to request an early ballot by mail is October 25, 2002. Ms. Jones advised that citizens may contact the Maricopa County Elections Department either by phone or via the County website to request an early ballot by mail. She further commented that citizens may vote in person at 222 East Javelina, and that the last day to vote early in person is November 1, 2002. She displayed a copy of a sample ballot and noted that Proposition 405 is the last issue listed on the back side of the ballot.

### 2. Mesa Legislative Districts and Candidates.

Mayor Hawker discussed the fact that Legislative and Congressional District boundaries have been redrawn to reflect the 2000 Census. He referred to a map on display in the Council

Chambers that depicted boundary lines for Legislative Districts 17, 18, 19, 21 and 22 within the City limits.

3. Mesa Congressional Districts and Candidates.

Mayor Hawker commented that Arizona now has seven Congressional Districts and referred to a map on display that depicted boundary lines for Districts 5 and 6 within the City limits.

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

Mayor Hawker declared the motion carried unanimously by those present.

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

Minutes from the October 7 and 10, 2002 Council Meetings.

3. Consider the following liquor license applications.

\*a. JOSEPH SPADARO, PROGRAM DIRECTOR

Special Event License application for Joseph Spadaro, Program Director, St. Bridget's Knights of Columbus, a one-day event to be held Sunday, November 17, 2002, from 4:00 p.m. to 8:00 p.m., at 2213 N. Lindsay Road, St. Bridget's Catholic Church.

\*b. ERLINDA REYES DE ORTIZ, INDIVIDUAL

New Beer & Wine Store License application for Carniceria Y Panaderia El Bosque, 1437 E. Main Street. This is an existing business. No liquor license previously held at this location.

\*c. GREGORY N. SARGOVETZ, AGENT

New Beer & Wine Store License application for Texaco Star Mart, 1953 E. Southern Avenue. This is an existing business. The Beer & Wine Store license previously held at this location by Bruce Holbrook, Agent, Equilon Enterprises LLC, will revert back to the State.

\*d. GREGORY N. SARGOVETZ, AGENT

New Beer & Wine Store License application for Texaco Star Mart, 2005 W. Broadway Road. This is an existing business. The Beer & Wine Store license previously held at

this location by Bruce Holbrook, Agent, Equilon Enterprises LLC, will revert back to the State.

e. This item was withdrawn.

f. MATTHEW KELLEY SHREEVE, AGENT

New Restaurant License application for Main Street Sports Grill, 260 W. Main Street. This is an existing building that is vacant. The Restaurant license previously held at this location by James H. Keller II, Agent for Goodfellas Restaurant, went out of business in January 2002.

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

It was moved by Councilmember Walters, seconded by Councilmember Jones, that the recommendation of staff be approved.

Upon tabulation of votes, it showed:

AYES - Hawker-Griswold-Jones-Thom-Walters

ABSTAIN - Whalen

ASBSENT - Kavanaugh

Mayor Hawker declared the motion carried unanimously by those present and voting.

\*g. CHUC THI NGUYEN, INDIVIDUAL

New Restaurant License application for Phu Thanh Vietnamese Restaurant, 830 W. Southern Avenue, #1. This is an existing business. The Restaurant license previously held at this location by Chon Ming Tsang, Agent, Winming Corporation, will revert back to the State.

4. Consider the following contracts.

\*a. Two-year renewal of the supply contract for portable (hand held) radios for various departments as requested by the Communications Division.

The Purchasing Division recommends exercising the two-year renewal option with the original low bid by Motorola, Inc. at \$126,491.36 based on estimated annual requirements.

\*b. Two new sets of night vision goggles as requested by the Police Department.

The Purchasing Division recommends accepting the overall low bid by Aviation Specialties Unlimited, Inc. at \$20,969.40 including applicable use tax.

\*c. Two-year renewal of the contract for sweeping services at City facility parking lots as requested by Development Services.

The Purchasing Division recommends exercising the two-year renewal with the original lowest priced proposal by Ace Surface Maintenance, Inc. at \$44,631.50 based on estimated annual expenditures.

- \*d. Three-year supply contract for spray marking paint for warehouse inventory as requested by the Transportation Division.

The Purchasing Division recommends accepting the lowest overall bid by Griggs Paint of Domcon Enterprises, at \$32,695.78 based on estimated annual requirements.

- \*e. Tactical ballistic vests as requested by the Police Department.

The Purchasing Division recommends accepting the low bid by Arizona Tactical at \$20,585.24 including applicable sales tax.

- \*f. Eight reference stations, 15 workstations and 54 patron study areas for the East Mesa Regional Library expansion project, as requested by Development Services.

The Purchasing Division recommends authorizing purchase from the State of Arizona contract with Goodman's, Inc. at \$78,648.26 including design, installation, delivery and applicable sales tax.

- \*g. Additional expenditure approval for the supply contract for caustic soda as requested by the Utilities Department.

The Purchasing Division recommends authorizing additional expenditures totaling \$52,121.50 on an existing supply contract with Basic Chemical Solutions, LLC.

5. Introduction of the following ordinances and setting November 4, 2002 as the date of public hearing on these ordinances.

- \*a. Amending Section Chapter 11-18 of the Zoning Ordinance to a new section 11-18-15 regarding: A Citizen Participation Plan requirement for public hearing cases.
- \*b. **Z02-26** The Northwest corner of Brown and Ellsworth Roads (12.17 acres). Site Plan Modification. This case involves the development of a pharmacy. The Gustine Company, owner; Withey, Anderson, & Morris, P.L.C., applicant.
- \*c. **Z02-31** The southeast corner of Baseline Road and Roslyn (1.1 acres). Site Plan Modification. This case involves the development of multi-tenant retail. Joseph C. Cattaneo, owner; Kristjan Sigurdsson, K & I Architects & Interiors, LLC, applicant.

6. Consider the resolutions:

- \*a. Extinguishing a portion of the 3-foot public utility easements on lots 6 & 7 of The Groves Unit 1 at 3102 and 3108 East Fairbrook Circle – Resolution No. 7915.

The easements are no longer required.

- \*b. Extinguishing all easements on Tract A of Park Central at Augusta Ranch Condominium at 9233 East Neville Avenue – Resolution No. 7916.

These easements are no longer required and conflict with the new subdivision plat and development plans.

- \*c. Vacating a portion of right-of-way in the 3800 block of North 80<sup>th</sup> Street – Resolution No. 7917.

This right-of-way is no longer required and conflicts with the new subdivision plat and development plans.

- d. Authorizing the sale of City property, which is excess property in the Washington Park area – Resolution No. 7918.

This land cannot be developed due to its size and the best use would be to sell it to the adjacent property owner.

Councilmember Thom commented that in 1985 and 1987, the City purchased two parcels of property for \$25,000, and that the homeowner who currently resides between the two vacant lots has offered to purchase the parcels for \$5,250. She stated the opinion that the purchase price of the land should be at least the amount that the City paid for the properties, and added that Mesa taxpayers should not be burdened with financing a loss on the excess property.

Kirby Allen, 2043 East Hackmore, addressed the Council and voiced opposition to this agenda item.

Property Acquisitions Supervisor Craig Crocker responded to a series of questions from the Council relative to this agenda item.

Councilmember Walters expressed support for the recommendations of staff and stated that by selling the properties to the interested homeowner, it will eliminate the need for the City to maintain the lots, as well as enhance the value of the individual's property and the neighborhood in general.

It was moved by Councilmember Walters, seconded by Councilmember Jones, that the recommendation of staff be approved.

Upon tabulation of votes, it showed:

AYES - Hawker-Griswold-Jones-Walters-Whalen  
NAYS - Thom  
ABSENT - Kavanaugh

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

- e. Designating a Special Election date and purpose; designating the deadline for voter registration; and establishing polling place hours for the purpose of increasing the sales tax and dedicating those funds to provide for various transportation expenditures.

Transportation Planning Administrator Kevin Wallace displayed graphics in the Council Chambers and provided a brief overview of the project priorities for the Mesa Transportation Plan including the Street Capital Projects, Pavement Maintenance Program and Transit Service Program.

Jim Davidson, Co-Chairman of the Transportation Citizen Advisory Committee (TCAC), addressed the Council relative to this agenda item. He reported that the TCAC was established by the Council to review the priorities outlined in the Mesa Transportation Plan and also to address the \$2.4 billion shortfall identified in the Plan. He noted that after extensive study and discussion, the TCAC has prepared a Final Report which addresses a variety of issues that were referred to the Committee by the Council.

Mr. Davidson stated that it was the unanimous opinion of the TCAC that transportation and public transit is vital to ensure the quality of life that Mesa citizens deserve; that Mesa is lagging behind other cities of a similar size in providing transportation services that will attract sustainable economic development and offer needed services and choices to its citizens, and that reliable transit service is vital for a large segment of the community who must rely on such modes of transportation for independent living and employment.

Mr. Davidson explained that it is the recommendation of the TCAC that the Council refer a ballot measure to Mesa voters in March 2003 to consider increasing the sales tax rate by one-quarter cent for three years and an additional one quarter cent for the remaining 22 years of the program; that the sales tax would sunset after 25 years; that the revenues would be placed in a separate fund that will only be used for transportation purposes, and that the existing Mesa Transportation Advisory Board will oversee an annual audit to guarantee that the projects funded in accordance with this measure are completed in a timely and cost effective manner. He also noted that the TCAC supports the future extension of light rail from Main Street and Longmore into the Town Center area, but recognizes that it would be impossible to fund the extension with a local revenue source given the current need for street improvements and increased transit capabilities.

Mayor Hawker announced that this is the time and place for a public hearing regarding the proposed designation of a Special Election.

The following citizens, in order of appearance, spoke in support of a sales tax increase to fund various transportation expenditures:

Mary Hartle-Smith	220 North 22 <sup>nd</sup> Place
Mike Smith	220 North 22 <sup>nd</sup> Place
Connie Ryan	56 North Extension Road
Paula Grodeski	225 East 1 <sup>st</sup> Street
Charlie Deaton	5304 East Hannibal

Citizens who spoke in support of the sales tax increase expressed the following opinions:

- It is imperative that Mesa has an efficient public transportation system in place to service the needs of individuals with disabilities, senior citizens, students and those citizens who cannot afford to purchase automobiles.
- An improved transit system would improve the level of pollution throughout the City by eliminating the need for citizens to utilize their personal vehicles.
- An increased sales tax will support a much needed transportation system that will benefit all of Mesa's residents.
- A reliable transportation system is critical in order to attract economic development, as well as job development within the community.

Mr. Allen readdressed the Council and voiced opposition to this agenda item.

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

Councilmember Jones noted that although he recognizes that Mesa is lagging behind other communities relative to its current transit and transportation infrastructure, he is equally concerned regarding the manner in which Mesa residents will perceive the notion of a sales tax increase for this purpose. He commented that he would prefer that the Council postpone taking action on this matter in an effort to obtain additional information relative to possible funding alternatives.

In response to a question from Mayor Hawker, City Clerk Barbara Jones clarified that November 8, 2002 is the latest date that the Council could call an election in order to refer a ballot measure to Mesa voters at a March 11, 2003 Special Election. She added that tonight's agenda item could be postponed until the November 4, 2002 Regular Council Meeting and still meet the deadline.

It was moved by Councilmember Jones, seconded by Councilmember Whalen, that Council action on this agenda item be postponed until the November 4, 2002 Regular Council Meeting.

Councilmember Walters expressed support for the motion and emphasized that if the residents of Mesa are going to have a good quality of life, it must include a reliable transit system and transportation infrastructure. She further commented that she is supportive of moving this issue forward to the voters and stressed the importance of ensuring that Mesa citizens have a clear understanding that all sales tax revenues will be placed in a dedicated fund to be used exclusively for transportation purposes. Councilmember Walters added that she would challenge anyone opposed to a sales tax increase to come forward with a plan that would define not only how the City could pay for already existing street improvements and street expansion, but future transportation infrastructure and transit service needs as well.

Councilmember Griswold commented that although he is not in support of raising taxes, an analysis he conducted on various funding sources to address the estimated \$1 billion shortfall identified in the Mesa Transportation Plan strongly indicates that at the present time, a sales tax increase may be the only viable option. He also stated that he would prefer an additional two weeks to consider alternative funding sources prior to the Council referring a ballot measure to the voters.

Councilmember Whalen concurred with the other Councilmembers' comments and noted that an additional two weeks would provide the Council an opportunity to solicit input from the Mesa business community and citizens in general regarding this issue. He added that it is imperative that Mesa residents understand how the TCAC's recommendations would impact the entire community regarding transportation infrastructure, transit service and light rail transit.

Mayor Hawker commented that although he is supportive of postponing Council action on this agenda item, he is convinced that over the next 25 years, there will be a definite need for additional transportation infrastructure and transit service funding in Mesa. He also concurred with Councilmember Whalen's comments relative to utilizing the two-week delay as an opportunity to garner input and suggestions from members of the community concerning whether it is appropriate at this time to call for an election for the purpose of increasing the sales tax and dedicating those funds to various transportation expenditures.

Mayor Hawker declared the motion carried unanimously by those present.

Mayor Hawker thanked everyone for their input.

7. Consider the following ordinances:

- \*a. Prohibiting parking on Preston Street from Recker Road to Olympic; on the south side of Preston Street from a point 95 feet west of Sericin to a point 280 feet east of Sericin; on the north side of Preston Street from a point 55 feet west of Sericin to a point 280 feet east of Sericin; on the north side of Preston Street from a point 20 feet west of Silverado to Power Road; on the south side of Preston Street from Silverado to Power Road; on Ravine from Rochelle Street to Thomas Road; on Virginia Street from Recker Road to Olympic; on Redmont Drive from Recker Road to a point 300 feet east of Recker Road; on the north side of Redmont Drive from Viewmont Drive to a point 200 feet east of Viewmont Drive;

Increasing the speed limit from 35 mph to 40 mph on Thomas Road from Recker Road to a point 500 feet east of Recker Road;

Reducing the speed limit from 45 mph to 40 mph on Thomas Road from a point 500 feet east of Recker Road to Power Road, as recommended by the Transportation Advisory Board – Ordinance No. 4018.

- b. Amending Ordinance 2274, the nonexclusive cable television license of CableAmerica Corporation – Ordinance No. 4020.

Councilmember Walters declared a potential conflict of interest and said she would refrain from discussion/participation in agenda items 7b and 7c.

It was moved by Councilmember Jones, seconded by Councilmember Griswold, that Ordinance No. 4020 be adopted.

Upon tabulation of votes, it showed:

AYES - Hawker-Griswold-Jones-Thom-Whalen  
ABSTAIN - Walters  
ABSENT - Kavanaugh

Mayor Hawker declared the motion carried unanimously by those present and voting and Ordinance No. 4020 adopted.

- c. Amending Ordinance 3013, the nonexclusive cable television license of Cox Cable Phoenix, Inc. – Ordinance No. 4021.

It was moved by Councilmember Thom, seconded by Councilmember Whalen, that Ordinance No. 4021 be adopted.

Upon tabulation of votes, it showed:

AYES - Hawker-Griswold-Jones-Thom-Whalen  
ABSTAIN - Walters  
ABSENT - Kavanaugh

Mayor Hawker declared the motion carried unanimously by those present and voting and Ordinance No. 4021 adopted.

- \*d. Adding Hampton Avenue from Sunnyvale to 48<sup>th</sup> Street and Holmes Avenue from Greenfield Road to 48<sup>th</sup> Street in the City Code Section 10-3-17 “Special Stops Required,” as recommended by the Transportation Advisory Board – Ordinance No. 4019.

\*8. Consider adopting proposed changes to the policies and fees for the Dobson Ranch and Riverview Golf Courses, as recommended by the Parks and Recreation Board.

\*9. Consider approving an increase to the contract amount of Project No. 00-105, Hermosa Vista Drive Improvements, for unforeseen items discovered during construction.

In accordance with the City policy on Construction Contract Change Orders, the City Council is asked to ratify this increase in the contract amount of \$51,276.62, which is \$35,331.97 in excess of the 10% approved allowance.

With this increase, the total contract amount is \$210.723.12

10. Consider approving the proposed reconfiguration of the Solid Waste Division’s three collection zones, as recommended by the Utility Committee.

Solid Waste Management Director Tim Mahon provided the Council with a brief overview of this agenda item and displayed graphics in the Council Chambers depicting the proposed changes in the Solid Waste Division’s three collection zones.

Kirby Allen once again addressed the Council and voiced opposition to this agenda item.

It was moved by Councilmember Thom, seconded by Councilmember Jones, that the recommendation of the Utility Committee relative to reconfiguring the Solid Waste Division's three collection zones, be approved.

Mayor Hawker declared the motion carried unanimously by those present.

\*10.1. Consider approving premium structures for the City's health insurance plans, as well as recommended changes to the HMO Plan Design offered by PacifiCare.

10.2 Discuss and consider the recommendations outlined in the Thomas Road Neighborhood Traffic Management Plan as recommended by the Transportation Committee.

Councilmember Whalen, Chairman of the Transportation Committee, provided the Council with a brief overview of this agenda item.

It was moved by Councilmember Whalen that the recommendations outlined in the Thomas Road Neighborhood Traffic Management Plan, as recommended by the Transportation Committee, be approved.

Senior Transportation Engineer Renate Ehm referred to maps displayed in the Council Chambers and provided a short synopsis of the scope of work included in the Thomas Road Neighborhood Traffic Management Plan. She reported that 16 of the 21 recommended proposals only require signs and/or markings and could be implemented immediately; two of the five proposals requiring construction were included in the Thomas/Recker Road construction project and that construction could begin as soon as December 2002; three sets of curb bulb-outs would be installed at an approximate cost of \$30,000 to \$45,000, however, funding has not yet been identified for this work in FY 2002/03, and the construction of a raised and landscaped center median on Thomas Road between Recker Road and Power Road, at an estimated cost of \$700,000, is identified in the 2002/07 Capital Improvement Program (CIP). Ms. Ehm added that although the issue of accelerating the project will be considered during preparation of the 2003/08 CIP, it is unlikely that a project of this nature will be funded in the near future given the City's current revenue streams.

Mayor Hawker stressed the fact that although funds may be identified for specific projects in the CIP, the Council must first approve any proposed expenditures.

Councilmember Walters seconded Councilmember Whalen's motion.

Councilmember Griswold voiced appreciation to staff and the citizen volunteers for their efforts and hard work relative to this agenda item.

Councilmember Thom expressed support for postponing the construction of a raised and landscaped center median on Thomas Road.

Mayor Hawker declared the motion carried unanimously by those present.

11. Consider the following subdivision plats.

- a. "VANDERBILT PLAZA", - (Council District 3) – 2150 South Vineyard (west side) 3 M-1 PAD office condominium buildings (1.75 acres) Vanderbilt Farms, L.L.C., owner; Clouse Engineering, Inc., engineer.

Councilmember Whalen declared a potential conflict of interest and said he would refrain from discussion/participation in agenda items 11a and 11b.

It was moved by Councilmember Thom, seconded by Councilmember Walters, that the subdivision plat for Vanderbilt Plaza be approved.

Upon tabulation of votes, it showed:

AYES - Hawker-Griswold-Jones-Thom-Walters  
ABSTAIN - Whalen  
ABSENT - Kavanaugh

Mayor Hawker declared the motion carried unanimously by those present and voting.

- b. "HIGLEY INDUSTRIAL PARK", - (Council District 5) – 3900 block of North Higley Road (east side) 4 M-1 PAD commercial lots (8.46 acres) Mission Bell Properties, Inc., an Arizona Limited Liability Company, owner; Allen Consulting Engineers, Inc., engineer.

It was moved by Councilmember Thom, seconded by Councilmember Griswold, that the subdivision plat for the Higley Industrial Park be approved.

Upon tabulation of votes, it showed:

AYES - Hawker-Griswold-Jones-Thom-Walters  
ABSTAIN - Whalen  
ABSENT - Kavanaugh

Mayor Hawker declared the motion carried unanimously by those present and voting.

- \*c. "CVS PHARMACY STORE NO. 4795", - (Council District 5) – 6015 East Brown Road (south side) 4 C-2 commercial lots (6.98 acres) Gustine Properties, Inc., a Pennsylvania Corporation, owner; Carter Burgess, engineer.
- \*d. "HAWES MANOR", - (Council District 6) – 831 South Hawes Road (east side) 40 R1-6 PAD single residence lots (8.67 acres) Newport Group 25 LLC, owner; Sage Engineering Corporation, engineer.

12. Items from citizens present.

There were no items from citizens present.

13. Adjournment.

Without objection, the Regular Council Meeting adjourned at 7:25 p.m.

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KENO HAWKER, MAYOR

ATTEST:

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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 21<sup>st</sup> day of October 2002. I further certify that the meeting was duly called and held and that a quorum was present.

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BARBARA JONES, CITY CLERK

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