

COUNCIL MINUTES

April 17, 2000

The City Council of the City of Mesa met in a Regular Council Meeting in the upper level meeting room of the Council Chambers, 57 East 1st Street, on April 17, 2000 at 5:45 p.m.

COUNCIL PRESENT

Mayor Wayne Brown
Jim Davidson
John Giles
Keno Hawker
Dennis Kavanaugh
Pat Pomeroy

COUNCIL ABSENT

Bill Jaffa

OFFICERS PRESENT

Mike Hutchinson
Neal Beets
Barbara Jones

Mayor Brown excused Councilmember Jaffa from the meeting.

The Invocation was given by Reverend Kyra Hines Baehr, Unity Church of Mesa.

The Pledge of Allegiance was led by Girl Scout Troops 413 and 1575.

Presentation by 1999-00 Mayor's Youth Committee.

Officers and members of the 1999-2000 Mayor's Youth Committee presented Mayor Brown with an album depicting all of the Committee's accomplishments during the past year.

Mayor Brown commended the members of the Youth Committee on the many community service projects they have participated in and expressed appreciation to everyone associated with the organization.

1. Approval of minutes of previous meetings as written.

It was moved by Vice Mayor Giles, seconded by Councilmember Kavanaugh, that the minutes of March 23, 2000 and April 3, 2000 be approved.

Upon tabulation of votes, it showed:

AYES - Brown-Davidson-Giles-Hawker-Kavanaugh-Pomeroy
NAYS - None
ABSENT - Jaffa

Mayor Brown declared the motion carried unanimously by those present.

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 Vice Mayor Giles, seconded by Councilmember Kavanaugh, that all of the items on the consent agenda be approved.

Upon tabulation of votes, it showed:

AYES - Brown-Davidson-Giles-Hawker-Kavanaugh-Pomeroy
NAYS - None
ABSENT - Jaffa

Mayor Brown declared the motion carried unanimously by those present.

3. Conduct a public hearing concerning a request from CoxCom, Inc., doing business as Cox Communications, to renew its license to provide cable service in the City of Mesa.

Mayor Brown announced that this is the time and place for a public hearing regarding the request from CoxCom, Inc. to renew its license to provide cable service in the City of Mesa.

Chris Lumley, speaking on behalf of Chris Johnson, 2418 East Fairfield Street, read into the record written comments submitted by Mr. Johnson (copy attached) relative to this issue. Mr. Lumley discussed cable Internet and said that this system is a viable, substantial improvement over the standard 56-k dial up Internet access that is currently the most prevalent form of public Internet access. Mr. Lumley stated that although efforts have been underway to upgrade nodes used for Internet access in selected subdivisions over the past two years, progress is slow and citizens remain unable to receive upgrades to their current lines to support a two-way signal transfer that is needed for CATV Internet access.

Mr. Lumley stated the opinion that it has become necessary for the City to include cable Internet within Chapter 7 of the City Code relative to Community Antenna Television System and said that licensees should be required to provide access to cable Internet under the same guidelines noted in the "extension of service" provisions of the existing City Code.

Mr. Lumley read additional comments into the record and Mayor Brown indicated that the Council will review the entire contents of the written document submitted by Mr. Johnson and read into the record by Mr. Lumley. Mayor Brown thanked Mr. Lumley for his interest in this matter.

Jon Crismon, 2854 East Backus Road, a senior at Mountain View High School, addressed the members of the Council and referred to a written document containing his opinions regarding this agenda item (copy attached). Mr. Crismon commented on the fact that his grandfather, Virgil Crismon, is a former Mesa Mayor and added that his family has lived in Mesa since the town was first founded.

Mr. Crismon provided a brief summarization of his written remarks and spoke in support of pursuing high-speed Internet services for the citizens of Mesa. Mr. Crismon stated the opinion that Cox and Cable AZ are too slow in meeting the needs of the community and added that the companies have provided only a handful

of neighborhoods with new cable services. Mr. Crismon informed the Council that Cox has been unresponsive, extremely slow, and discriminatory in the company's dealings with his neighborhood as well as other neighborhoods throughout the City and said that the company has not prepared proposed upgrade plans for cable Internet in Mesa.

Mr. Crismon outlined various options and recommendations contained in his written proposal and requested that the Council review the contents of his document and initiate efforts to improve the service available to citizens throughout Mesa.

Mayor Brown assured Mr. Crismon that the Council will review the entire document as submitted and thanked Mr. Crismon for his input.

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

4. Conduct a public hearing concerning a request from CableAmerica Corporation, to renew its license to provide cable service in the City of Mesa.

Mayor Brown announced that this is the time and place for a public hearing regarding the request from CableAmerica Corporation to renew its license to provide cable service in the City of Mesa.

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

5. Consider the following liquor license applications:

*a. CHARLES C. MCCRACKEN, DIRECTOR

Special Event License application of Charles C. McCracken, Director, National Heritage Foundation, a one-day charitable event to be held Friday, May 5, 2000, from 11:00 a.m. to 1:00 a.m. at 1976 West Southern Avenue, Top Shelf Restaurant.

*b. JACKSON PAULK, AGENT

Person transfer Liquor Store License for Abco Store #436, 822 S. Alma School Road. This is an existing business & building. This transfer is from Ward B. Dunn, Agent, Fleming Companies, Inc.

*c. JACKSON PAULK, AGENT

Person transfer Liquor Store License for Abco Store #693, 2039 W. Guadalupe Road. This is an existing business & building. This transfer is from Ward B. Dunn, Agent, Fleming Companies, Inc.

*d. JACKSON PAULK, AGENT

Person transfer Liquor Store License for Abco Store #428, 7336 E. Main Street. This is an existing business & building. This transfer is from Ward B. Dunn, Agent, Fleming Companies, Inc.

*e. JOHN WINCEK, AGENT

New Restaurant License for Hollywood Alley, 2610 W. Baseline Road. This is an existing business & building. The Restaurant License previously held at this location by Rachel R. Hrutkay, Individual, Hollywood Alley will revert back to the State.

6. Consider the following contracts:

- *a. Two-year supply contract for emergency vehicle lightbars and mounting hardware as requested by the Communications Division to be installed on emergency vehicles.

The Purchasing Division recommends accepting the low bid by Tomar Electronics at \$58,265.70 plus 6.70% sales tax of \$3,903.80 for a total of \$62,169.50 based on estimated annual purchases.

- *b. One-year renewal of the supply contract for bronze water service valves and fittings for Materials and Supply Division warehouse inventory to be used by the Utilities Department.

The Purchasing Division recommends exercising the second and final one-year renewal option with the original lowest bidder, Arizona Water Works Supply, at \$52,043.21 plus 7.40% sales tax of \$3,851.20 for a total of \$55,894.41 based on estimated requirements.

- c. Two-year supply contract for precast electric vaults for the Electric Department.

The Purchasing Division recommends accepting the only bid by Oldcastle Precast Inc. at \$304,610.00 plus 7.20% sales tax of \$21,931.92 for a total of \$326,541.92 based on estimated annual purchases.

Councilmember Davidson indicated that he had a potential conflict of interest in connection with the matter now under discussion which he wanted recorded in the minutes of the meeting, and because of such conflict of interest, he would refrain from voting upon or otherwise participating in any manner in connection with same.

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

Upon tabulation of votes, it showed:

AYES - Brown-Giles-Hawker-Kavanaugh-Pomeroy
NAYS - None
ABSENT - Jaffa
ABSTAIN - Davidson

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

- *d. Two-year supply contract for construction materials used by Street Maintenance, Utility Construction, Electric, Parks Maintenance and other departments.

The Purchasing Division recommends award to companies who bid all items in each group and who offer the lowest overall total as follows:

PRIMARY CONTRACTS FOR ZONE A & B:

Zone A:

A & A Materials, Inc. for Groups I, II & V (misc. rock products, decorative granite & slurry seal sand) at \$171,956.25 plus 7.10% sales tax of \$12,208.89 for a total of \$184,165.14.

Vulcan Materials – CalMat Division for Group III & part of Group IV (concrete & hot mix asphalt products) at \$424,457.50 plus 7.10% sales tax of \$30,136.48 for a total of \$454,593.98.

Mesa Materials for part of Group IV (cold mix asphalt products) at \$13,535.00 plus 7.2% sales tax of \$974.52 for a total of \$14,509.52.

The combined award for Zone A contracts is \$653,268.64 based on estimated requirements.

Zone B:

A & A Materials, Inc. for Groups I, II & V (misc. rock products, decorative granite & slurry seal sand) at \$184,973.75 plus 7.10% sales tax of \$13,133.14 for a total of \$198,106.89.

Vulcan Materials – CalMat Division for Group III & part of Group IV (concrete & hot mix asphalt products) at \$194,787.50 plus 7.10% sales tax of \$13,829.91 for a total of \$208,617.41.

Mesa Materials, Inc. for part of Group IV (cold mix asphalt products) at \$12,285.00 plus 7.2% sales tax of \$884.52 for a total of \$13,169.52.

The combined award for Zone B contracts is \$419,893.82 based on estimated requirements.

The combined award for Zones A and B is \$1,073,162.46 based on estimated requirements.

SECONDARY CONTRACTS FOR ZONE A & B:

In order to assure continuity of supply, the following vendors are recommended as secondary suppliers, to be called when the primary supplier is unable to fill a particular order or when the plant location is more convenient for materials pickup:

Zones A & B:

Fort McDowell Sand & Gravel for Group I; Red Mountain Mining for Group II; Mesa Materials, Inc. for Group IV; and Joe Conway Trucking Company for Group V.

- *e. Network Hardware in support of Capital Improvement Projects as requested by the Information Services Division (ISD). This equipment will be used to provide computer network connectivity to the new Police Department Central Patrol Substation, the new Utility Building and adjacent 6th Street Complex facilities, plus enhancing the computer network connectivity to the Communications Building and adjacent 6th Street Complex facilities.

The Purchasing Division recommends authorizing purchase from the State of Arizona contract with Cabletron Systems for network hardware for a total of \$303,943.50, including applicable sales tax.

- *f. Hewlett-Packard Printers for the Police Department (PD) as requested by the Information Services Division (ISD). These printers will be used by staff in the new PD Central Patrol Substation.

The Purchasing Division recommends authorizing purchase from the State of Arizona contract with MicroAge, Inc. for HP printers for a total of \$30,074.15, including applicable sales tax.

- *g. LCD Projectors, as requested by the Information Services Division (ISD). These projectors will be utilized by ISD at the South Center Street Campus and Information Services Building to facilitate team meetings and presentations.

The Purchasing Division recommends authorizing purchase of LCD Projectors from the State of Arizona contract with Intellisys Group for a total of \$24,741.87, including applicable sales tax.

- *h. Replacement Plotter for the Information Services Division (ISD). This plotter will replace the currently-installed plotter used by ISD for Geographic Information System (GIS) projects.

The Purchasing Division recommends authorizing purchase of an HP DesignJet 1055CM Plotter from the State of Arizona contract with IKON for \$10,895.73, including applicable sales tax.

- *i. Computer workstations and network hardware that are necessary to move the existing SCADA (Supervisory Control and Data Acquisition) system from the Utility Operations location on 6th Street to the new Utilities building. This purchase will allow the facility to be expanded and better utilized in its new location.

The Purchasing Division recommends authorizing purchase from the following State of Arizona contracts:

Network hardware from Cabletron Systems at \$62,777.84 including applicable sales tax; and four PC workstations from Microage at 12,300.52 including applicable sales tax. The combined award is then \$75,075.36.

Other costs that will be incurred for this project include professional services (consulting, training) estimated at \$32,200; console equipment estimated at \$16,700; and SCADA software estimated at \$8,400.

- *j. Computerized Maintenance Management System Software as requested by the Communications Division

The Purchasing Division recommends accepting the proposal by Mainsaver for a total of \$105,910.15.

- k. Gas Line Replacement at Country Mini Farms. City of Mesa project No. 99-110.

This project is one of a series of projects to upgrade the Magma Gas System.

Recommend award to low bidder, Northern Pipeline Construction Company in the amount of \$119,315.90.

Councilmember Hawker indicated that he had a potential conflict of interest in connection with the matter now under discussion which he wanted recorded in the minutes of the meeting, and because of such conflict of interest, he would refrain from voting upon or otherwise participating in any manner in connection with same.

It was moved by Vice Mayor Giles, seconded by Councilmember Kavanaugh, that the recommendations of staff be approved.

Upon tabulation of votes, it showed:

AYES - Brown-Davidson-Giles-Kavanaugh-Pomeroy
NAYS - None
ABSENT - Jaffa
ABSTAIN - Hawker

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

- l. Sossaman Road, Phase II. City of Mesa Project No. 99-82.

This project, the second phase, will extend Sossaman Road another 3,000 feet south through the airport to the proposed terminal.

Recommend award to low bidder, Blucor Contracting, in the amount of \$2,039,853.60.

Councilmember Hawker indicated that he had a potential conflict of interest in connection with the matter now under discussion which he wanted recorded in the minutes of the meeting, and because of such conflict of interest, he would refrain from voting upon or otherwise participating in any manner in connection with same.

It was moved by Councilmember Davidson, seconded by Councilmember Pomeroy, that the recommendations of staff be approved.

Upon tabulation of votes, it showed:

AYES - Brown-Davidson-Giles-Kavanaugh-Pomeroy
NAYS - None
ABSENT - Jaffa
ABSTAIN - Hawker

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

- *m. Desert Wells No. 11. City of Mesa Project No. 92-08.2.

This project is part of the City's Water System Master Plan. This new well will be located in the area of Mountain Road and Pecos Road.

Recommend award to low bidder, Zim Industries, Inc., in the amount of \$392,399.61.

- *n. Utility Location and Potholing by Vacuum Excavation. City of Mesa Project No. 00-107.

This project is the annual contract for services for underground utility location by vacuum excavation.

Recommend award to low bidder, Northern Pipeline Construction Company, in the amount of \$177,942.25.

- *o. Award of demolition contract for 3 East Main Street – Super 8 Motel and Darby’s Restaurant.

Recommend award to low bidder, A.C.R Contracting, Inc., in the amount of \$73,692.00.

7. Introduction of the following ordinances and setting May 1, 2000 as the date of 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. Prohibiting parking on the north side of First Street from Robson to Morris, on the east side of Morris from First Street to a point 420 feet north of First Street, and on the west side of Westwood from a point 120 feet north of 7th Street to a point 120 feet south of 7th Street; prohibiting parking between 8:00 a.m. and 4:00 p.m. on school days on the east side of Valencia from Eighth Avenue to Emelita Avenue and on Glencove Street from Gaylord to a point 390 feet east of 25th Street, and including Sunland Avenue from 112th Street to the east City limits and 114th Street from Sunland Avenue to Pueblo Avenue in Section 10-3-17 “Special Stops Required” of the Mesa City Code; as recommended by the Transportation Advisory Board.
- *b. **Z00-14** The 1200 and 1300 blocks of North Greenfield Road - east side. Rezone from C-2 to R1-6-PAD (8± acres). This case involves the development of a Z-lot single residential subdivision.
- *c. **Z00-16** North and east of the northeast corner of Power and McKellips Roads. Rezone from R1-35 and R1-35 (conceptual C-2) to C-2 (20± acres). This case involves the development of a Target Store, retail shops and pad buildings.
- *d. **Z00-18** The northeast corner of Inverness Avenue and Solomon. Site Plan Modification and removal of a BIZ overlay (20± acres). This case involves the development of an office complex.
- *e. **Z00-22** The 8000-9100 blocks of East McKellips Road (both sides - between Hermosa Vista Drive and McLellan Road). Rezone from R1-35-DMP (conceptual residential, office and commercial) to R1-35 (760± acres). This case involves the modification to conceptual approval of residential densities and land uses.
- *f. **Z00-23** The northwest corner of Mountain and Warner Roads (alignment). Rezone from County Rural - 43, R1-7-R.U.P.D. and R1-6-R.U.P.D. to R1-43 and R1-7 (153± acres). This case involves the establishment of City zoning on recently annexed properties.

8. Consider the following resolutions:

- *a. Authorizing the City Attorney to institute proceedings to acquire fee simple title in the name of the City of Mesa by purchase or under the power of eminent domain to certain real property necessary to construct a fire station on East Baseline Road west of South Signal Butte Road – Resolution No. 7487.

9. Consider the following ordinances:

- *a. **A98-8** Annexing Maricopa County right-of-way for Recker Road from Evergreen Street to Adobe Road – Ordinance No. 3761.

- *b. **A00-2** Annexing the southeast corner of Power and Warner Roads (83.95± acres) – Ordinance No. 3762.

10. Consider the following case from the Planning and Zoning Board and possible adoption of the corresponding Ordinance:

- *a. **Z00-5** 619 and 621 West Southern Avenue. Rezone from R-4 to C-1 (1.6± acres). This case involves the development of an Urgent Care facility. Hugh Dana, owner; Eugene Johnson, applicant. **THIS CASE WAS CONTINUED FROM THE MARCH 6 AND MARCH 20, 2000 COUNCIL MEETINGS. THE APPLICANT HAS REQUESTED THAT THIS CASE BE CONTINUED TO THE MAY 15, 2000 CITY COUNCIL MEETING.**

P&Z Recommendation: Approval with conditions (Vote: Passed 6-0).

1. Compliance with the basic development as described in the project narrative and as shown on the site plan and elevations submitted, except as noted below.
2. Compliance with all City development codes and regulations.
3. Compliance with all requirements of the Public Works Department (Engineering and Traffic Engineering, etc.).
4. Dedicate the right-of-way required under the Mesa City Code at the time of application for a building permit or at the time of the City's request for dedication whichever comes first.
5. Compliance with all requirements of the Design Review Board.
6. Full compliance with all current Code requirements, unless modified through appropriate review and approval of the variance(s) outlined in the staff report.

11. Consider the following subdivision plats:

- *a. "ALTA MIRA ESTATES" – The 1300 block of North 70th Street (west side) 48 R1-15 PAD single residence lots (29.21 acres) Cornerstone Homes & Development Incorporated, developer; Clouse Engineering, Inc., engineer.
- *b. "THE COMMONS INDUSTRIAL PARK AT FALCON VIEW UNIT 4" The 2800 block of North Norwalk (east side) 20 M-1 PAD industrial lots (11.25 acres) Fred T. Ash & Sons, L.C., developer; Ace Engineering, Inc., engineer.

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

Mayor Brown stated that there were no items from citizens present.

13. Adjournment.

Without objection, the Regular Council Meeting adjourned at 6:24 p.m.

WAYNE BROWN, MAYOR

ATTEST:

BARBARA JONES, CITY CLERK

Regular Council Meeting

April 17, 2000

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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 17th day of April 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