

COUNCIL MINUTES

May 5, 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 May 5, 1997 at 5:45 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

OFFICER'S PRESENT

C.K. Luster
Neal Beets
Barbara Jones

The Invocation was given by President R. Wayne Johnson, The Church of Jesus Christ of Later-Day Saints.

The Pledge of Allegiance was led by Michael Gibson, Troop 536.

Presentation of the 1996-97 Mayor's Youth Committee scrapbook.

Cyrus Chowdhury, Vice President of the 1996-97 Mayor's Youth Committee presented a scrapbook to Mayor Brown of service events the Youth Committee participated in during the past year. Mayor Brown expressed appreciation to the Youth Committee for their efforts and noted that he would share the scrapbook with fellow Councilmembers.

1. Approval of minutes of previous meetings as written.

It was moved by Councilmember Stapley, seconded by Councilmember Pomeroy, that the minutes of April 18, 23, and 25, 1997 be approved.

Carried unanimously.

2. Conduct a public hearing on the Scalloped Street assessments for the West McLellan Road Scalloped Street Project #96.19. (See Item 7a).

Mayor Brown announced that this is the time and place for a public hearing regarding the Scalloped Street assessments for the West McLellan Road Scalloped Street Project #96.19.

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

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

Carried unanimously.

4. Consider the following liquor license applications.

*a. OLGA BETANCOURT, CHAIRPERSON

Special event license application of Olga Betancourt, Chairperson, for Queen of Peace, a one-day religious event to be held Saturday, May 10, 1997 from 7 p.m. to Midnight, at 141 North Macdonald Street, Queen of Peace Church.

*b. KIM K. KWIATKOWSKI, AGENT

Person and location transfer liquor store license for Circle K #1671, 2815 East University Drive. This transfer is from Frank E. Rees, Agent, Town & Country Liquors, Inc., 1630 East Southern Avenue, Phoenix to Kim K. Kwiatkowski, Agent, Circle K Stores, Inc., 2815 East University Drive.

*c. PETER CHARLES LIEPE, INDIVIDUAL

New restaurant license for Quality Inn Town Grill, 951 West Main Street. The license previously held at this location by Peter Liepe, Agent, Town Grill, will revert back to the State.

5. Consider the following contracts.

*a. Annual supply contract for precast electric vaults for the Electric Department.

The Purchasing Division recommends accepting the lowest complete bid by Old Castle Precast Inc. at \$265,238.00 plus 7.25% sales tax of \$19,229.75 for a total of \$284,467.75 based on estimated requirements.

- *b. Eight new Police motorcycles as requested by the Police Department. These motorcycles will be used by eight new officers authorized as a midyear expansion of the Traffic Unit which Council authorized in November 1996.

The Purchasing Division recommends authorizing purchase from the State of Arizona contract with Valley Kawasaki for eight assembled motorcycles at \$59,696.00 plus 7.05% sales tax of \$4,208.57 for a total award of \$63,904.57.

- *c. Annual supply contract for prepackaged magnesium anodes for warehouse inventory to be used by the Utility Construction Division. These anti-corrosive devices are attached to natural gas lines.

The Purchasing Division recommends accepting the low bid by Farwest Corrosion Control Company at \$20,575.00 plus 5% use tax of \$1,028.75 for a total award of \$21,603.75 based on estimated requirements.

- *d. Annual supply contract for PE2406 pipe and fittings for warehouse inventory to be used by the Utility Construction Division.

The Purchasing Division recommends accepting the low bid by Plexco at \$119,427.42 plus 5% use tax of \$5,971.37 for a total award of \$125,398.79 based on estimated requirements.

- *e. Annual supply contract for street lighting lamps for warehouse inventory to be used by the Transportation Department.

The Purchasing Division recommends accepting the following bids:

Items 2-5 and 7-9 to Essco Wholesale at \$33,770.92 plus 7.25% sales tax of \$2,448.39 for a total of \$36,219.31; and

Items 1 & 6 to E. Sam Jones Distributor Inc. at \$4,094.40 plus 7.05% sales tax of \$288.66 for a total of \$4,383.06. The combined award is \$40,602.37.

- *f. One-year renewal of the annual supply contract for landscape sprinkler parts and related supplies for warehouse inventory to be used by the Parks and Recreation, Building & Grounds Maintenance and Streets Maintenance Divisions.

The Purchasing Division recommends exercising the second and final one-year renewal option with the primary contracts as outlined below:

Mesa Sprinkler - Sections I-A, I-C, I-D, II-A, II-C, II-E and II-I for annual purchases estimated at \$72,366.03 plus 5.75% sales tax of \$4,161.05 for a total of \$76,527.08;

Sprinkler World - Sections I-B, II-B, II-D, II-F, II-G, II-H, II-J, II-K, and II-M for annual purchases estimated at \$7,463.06 plus 7.05% sales tax of \$526.15 for a total of \$7,989.21; and

Simpson Norton - Section II-L for annual purchases estimated at \$3,203.10 plus 7.75% sales tax of \$248.24 for a total of \$3,451.34.

The combined award is then \$87,967.63 based on estimated requirements.

- *g. One replacement copier as requested by the Police Department.

The Purchasing Division recommends authorizing purchase from the State of Arizona contract with Business Equipment, Inc., at \$15,674.00 plus 7.05% sales tax of \$1,105.02 for a total of \$16,779.02.

- *h. Eight motorcycle radios for the Police Department as requested by the Communications Department. These motorcycle radios will be used by eight new officers authorized as a midyear expansion of the Traffic Unit which Council authorized in November 1996.

The Purchasing Division recommends authorizing purchase from the State of Arizona contract with Motorola Comm. & Electronics at \$13,903.84 plus 7.05% sales tax of \$980.22 for a total award of \$14,884.06.

- *i. Twenty-five VHF Portable radios for the Police Department as requested by the Communications Department. These radios will be assigned to the Police Academy class recruits who will begin training in July 1997.

The Purchasing Division recommends authorizing purchase from the State of Arizona contract with Motorola Comm. & Electronics at \$22,001.10 plus 7.05% sales tax on materials of \$1,508.78 for a total award of \$23,509.88.

- *j. Vehicle Repair and Maintenance Contract for General vehicles as requested by Fleet Support Services.

The Purchasing Division concurs with the evaluation team's recommendation to accept the proposal by Hub's Auto Clinic for annual expenditures estimated at \$65,000. Hub's received the highest evaluated total of 140 points (out of 150 possible).

- *k. Thirty rotary gas meters for warehouse inventory to be used by the Utility Services Division. These meters are used for commercial accounts.

The Purchasing Division recommends accepting the low bid by DMD-Dresser Measurement Operation at \$19,610.00 plus 5% use tax of \$980.50 for a total of \$20,590.50.

- *l. Seven modular employee workstations as requested by the City Court.

The Purchasing Department recommends purchase from the State of Arizona contract with Goodman's Inc., for a total of \$21,430.37 including materials, design services, delivery, installation and applicable sales tax.

- *m. 96/97 Residential Rubber Overlays.

This project involves overlaying and reconstructing the existing asphalt pavement on residential streets.

Recommend award to low bidder, Nesbitt Contracting Co., Inc., in the amount of \$1,451,013.05.

- *n. Gas System Replacement (235 West Southern Avenue).

This project will replace the gas system at an existing mobile home park located just south of Southern Avenue and east of Country Club Drive.

Recommend award to low bidder, Somerville Construction Company, in the amount of \$102,112.80.

- *o. H.V.A.C. System Replacement, Fire Station No. 1 (13 West First Street).

This project will replace existing H.V.A.C. system with a new H.V.A.C. system in the original portion of Fire Station No. 1, located at the southwest corner of Center Street and First Street.

Recommend award to low bidder, Industrial Mechanical, in the amount of \$99,688.00.

- *p. Country Club Drive Water Line and Gas Line Relocations.

This project will replace an existing water line and gas line along Country Club Drive at the future Red Mountain Freeway crossing north of McKellips Road.

Recommend award to low bidder, Behr Drilling Systems, Inc., in the amount of \$274,048.45.

- q. Landscaping and street lighting for Main Street medians between Country Club and Hobson, parking lot improvements on Pepper Street east of Robson and landscaping and parking lot improvements on the north and south side of the Mesa City Plaza Building.

Recommend award to low bidder, The Achen-Gardner Company, in the amount of \$2,312,848.00.

Councilmember Pomeroy 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.

Bill Brando, 61 South Macdonald, spoke regarding the importance of prioritizing downtown projects. Mr. Brando requested that Council consider delaying the downtown landscape project until signage issues are resolved.

Public Works Manager Harry Kent provided a brief synopsis relative to the landscaping and street lighting project and noted that the cost to improve the City Plaza Building property would be approximately \$1.3 million.

City Attorney Neal Beets advised that in response to a request from Vice Mayor Gilbert for a legal opinion regarding whether Vice Mayor Gilbert's involvement in a downtown business would constitute a conflict of interest, it is his opinion that a conflict of interest does not exist.

Councilmember Kavanaugh indicated support for the proposed project and noted the importance of proceeding.

It was moved by Councilmember Kavanaugh, seconded by Councilmember Stapley, that staff's recommendation be approved.

Councilmember Giles concurred with Councilmember Kavanaugh and stated the opinion that the adoption of the proposed project would not preclude the proposed median cut meeting.

In response to a question from Councilmember Giles, Community Development Manager Wayne Balmer informed Council that the Downtown Development Corporation and City staff are working together to develop solutions relative to the sign code issue. Mr. Balmer stated that staff would present the proposed solutions to Council for review and consideration at a future Council meeting.

Upon tabulation of votes, it showed:

AYES - Brown- Gilbert-Giles-Kavanaugh-Payne-Stapley
NAYS - None
ABSTAIN - Pomeroy

Mayor Brown declared the motion carried unanimously by those voting.

6. Introduction of the following ordinances and setting May 19, 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. Code Amendment: Amending Section 11-1-6, 11-13-2 and 11-14-3, of the Mesa Zoning Ordinance with regard to the definition and placement of commercial communication towers and equipment.
- *b. **Z97-17** The 2500 block of West Broadway (south side). Rezone from R1-9 to C-2 (1± acres). This case involves the development of a carpet store.
- *c. **Z97-27** The northeast corner of Southern Avenue and Higley Road. Site Plan Modification (6± acres). This case involves development of four commercial pad sites.
- *d. **Z97-28** North and east of the northeast corner of Southern Avenue and Higley Road. Rezone from C-2 to R1-6-PAD (19± acres). This case involves the development of a residential subdivision.
- *e. **Z97-29** The northwest corner of University Drive and Kristen. Rezone from O-S to O-S-PAD (1.2± acres). This case involves the development of an office complex subdivision.
- *f. **Z97-30** The southeast corner of Val Vista Drive and Broadway Road. Site Plan Modification (11± acres). This case involves the development of a Home Depot facility.
- *g. **Z97-31** 6821 East Superstition Springs Blvd. Site Plan Review (1± acre). This case involves development of a restaurant facility.
- *h. **Z97-32** North of the northwest corner of Clearview Avenue and the Superstition Freeway. Rezone from C-2-DMP to M-1-DMP (1± acre). This case involves the development of an office/warehouse facility.
- *i. **Z97-33** 536 South LeBaron. Rezone from R-2 to M-1 (1± acre). This case involves the development of a roofing company.
- *j. **Z97-34** 1718 South Power Road. Site Plan Review (2± acres). This case involves the development of a "TGIF" Restaurant.
- *k. **Z97-35** 1710 South Power Road. Site Plan Review (1.73± acres). This case involves the development of an "On The Border" restaurant.
- *l. **Z97-36** 6730 East Superstition Springs Blvd. Site Plan Review (1.31± acres). This case involves the development of a "Tony Roma's" restaurant.
- *m. **Z97-37** 6710 East Superstition Springs Blvd. Rezone from C-2-DMP to C-2-BIZ-DMP (2.7 acres). This case involves the development of a "Country Inn and Suites" four-story hotel.
- *n. **Z97-38** The northeast corner of Harris Drive and McKellips Road. Rezone from R1-9 to R1-9-PAD (47± acres). This case involves the development of a single-residence subdivision.

- *o. **Z97-39** The southwest corner of Virginia Street and Power Road. Rezone from R1-9-DMP (Conceptual R-3) to R1-6-PAD-DMP (15± acres). This case involves the development of a single-residence subdivision.

7. Consider the following resolutions.

- *a. Approving the Scalloped Street Assessment for West McLellan Road, City Project #96-19 - Resolution No. 7031.
- *b. Establishing North Harris Drive, from Hermosa Vista Drive to the south 792.00 feet +/- as a Scalloped Street Assessment Project - Resolution 7032.
- *c. Establishing East Hermosa Vista Drive, from Harris Drive to the east 1,340.00 feet +/- as a Scalloped Street Assessment Project - Resolution No. 7033.
- *d. Authorizing the City Manager to enter into an Intergovernmental Agreement with the Arizona Department of Transportation (ADOT) for a Scoping Study of the Superstition Freeway - Resolution No. 7034.

This study will review the Country Club Drive and Alma School Road interchanges for traffic problems.

- *e. Approving the execution and delivery by the City of a supplement to the Intergovernmental Agreement with the Maricopa County Stadium District to permit the issuance of Refunding Bonds by the Stadium District to refund certain of the District's outstanding obligations; authorizing the taking of all other actions necessary to the consummation of the transactions contemplated by this Resolution; and declaring an emergency - Resolution No. 7035.
- *f. Authorizing the City Manager to execute an Intergovernmental Agreement with the State of Arizona through its Department of Public Safety to enhance law enforcement services concerning the criminal activities of street gangs - Resolution No. 7036.
- *g. Pertaining to planning, funding, and approval of public art - Resolution No. 7037.

*8. Consider a resolution and ordinance repealing Resolution 4350 and adopting a policy that establishes and standardizes new methods for address and street name assignments in the Mesa corporate limits - Resolution No. 7038 and Ordinance No. 3324.

9. Consider the following ordinances.

- a. Relating to City of Mesa elections; repealing Section 1-8-1 of the Mesa City Code; and amending Title 1, Chapter 8 of the Mesa City Code by adding a new Section 1-8-1 and 1-8-2; changing the designation of Title 1, Chapter 8 of the Mesa City Code to "Qualified Electors" - Ordinance No. 3326.

Bill Brando, 61 South Macdonald spoke in opposition to the proposed ordinance. Mr. Brando noted that he was a member of the Mayor's Ad Hoc Committee to Review Election Procedures and stated that the Committee did not recommend the proposed ordinance. Mr. Brando expressed the opinion that the ordinance would restrict the rights of citizens and recommended the Council not approve the ordinance.

Mayor Brown explained that the Mayor's Ad Hoc Committee to Review Election Procedures was organized at his request and said that no action was taken by the Committee regarding petition circulator requirements. Mayor Brown emphasized that the ordinance has been proposed independent of the Mayor's Ad Hoc Committee to Review Election Procedures by a member of City Council.

Chris Medrea, 4710 East Falcon, President of the Mesa Fire Fighters Association stated opposition to the proposed ordinance and noted areas of concern relative to the ordinance not addressing legal issues or qualifications to originate an initiative or referendum.

Councilmember Stapley briefly provided background information concerning the proposed ordinance and noted that it would not limit the use of paid circulators that reside within the City of Mesa. Councilmember Stapley stated that the ordinance would not interfere or remove any rights of the citizens and would assist in establishing local control.

It was moved by Councilmember Stapley, seconded by Councilmember Pomeroy, that Ordinance No. 3326 be adopted.

Councilmember Kavanaugh stated his opposition to the proposed ordinance. Councilmember Kavanaugh stated the opinion that the lack of a City residency/qualified elector requirement has not presented difficulties in the past and that the City should be wary of hindering the rights of the electorate.

Councilmember Payne spoke in opposition to the proposed ordinance and expressed the opinion that the ordinance would remove a privilege which enables citizens to voice their opinion. Councilmember Payne provided statistics relative to the number of non-Mesa residents used to gather signatures on previous initiatives and referendums. Councilmember Payne noted the timing of changes to initiative and referendum requirements by neighboring cities.

Mayor Brown stated the opinion that the proposed ordinance would not restrict any rights but encourage citizens to become involved. Mayor Brown expressed support for the ordinance.

Councilmember Giles indicated support for the ordinance and stated the opinion that the proposed ordinance would not remove any rights.

Upon tabulation of votes, it showed:

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

Mayor Brown declared the motion carried by majority vote and Ordinance No. 3326 adopted.

- *b. Prohibiting parking from 8 a.m. to 4 p.m. on school days on the Brown Road frontage road from a point 305 feet east of 25th Street to a point 450 feet east of 25th Street; prohibiting parking on Medina Avenue from Ellsworth Road to a point 740 feet west of Ellsworth Road, and on 80th Street from University Drive to Brown Road, all as recommended by the Traffic Safety Committee - Ordinance No. 3325.

10. Consider the following subdivision plats.

- *a. MAP OF DEDICATION "LAS SENDAS NORTH POWER ROAD" The 2800 through 4300 blocks of North Power Road (east side) various limited partnerships and CRM Holdings, L.L.C., developers; GeoDimensions, engineer.
- *b. "R & R RANCH" - The 3300 through 3500 blocks of East Hermosa Vista Drive (south side) 8 R1-35 single residence lots (11.058 acres). Northstar Contractors, Inc., developer; Standage & Associates, Ltd., engineer.

11. Adjourn.

It was moved by Councilmember Stapley, seconded by Councilmember Pomeroy, that the Regular Council Meeting adjourn at 6:43 p.m.

Carried unanimously.

WAYNE BROWN, MAYOR

ATTEST:

BARBARA JONES, CITY CLERK

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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 5th day of May 1997. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 27th day of May 1997

BARBARA JONES, CITY CLERK