

COUNCIL MINUTES

July 16, 2001

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 July 16, 2001, at 5:53 p.m.

COUNCIL PRESENT

Mayor Keno Hawker
Jim Davidson
Bill Jaffa
Dennis Kavanaugh
Pat Pomeroy
Claudia Walters
Mike Whalen

COUNCIL ABSENT

None

OFFICERS PRESENT

Mike Hutchinson
Barbara Jones

Invocation by Councilmember Pomeroy.

Pledge of Allegiance was led by Keith Strader, Scout Troop # 451.

(Mayor Hawker requested that the format of the agenda be modified to reflect agenda item 1 as the Mayor's Welcome. He commented that it will afford him with the opportunity to provide the audience with a brief description of the City Council meeting process.)

1. Approval of minutes of previous meetings as written.

It was moved by Vice Mayor Davidson, seconded by Councilmember Kavanaugh, that the minutes of the June 28, 2001 and July 2, 2001 City Council meetings 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 Vice Mayor Davidson, seconded by Councilmember Kavanaugh, that the consent agenda items be approved.

Carried unanimously.

3. Consider the following liquor license applications:

*a. JERRY J. POLLAEHNE, AGENT

New Restaurant License for European Bistro, 951 W. Main Street. This is an existing building. The Restaurant License previously held by Peter Charles Liepe, Individual, Quality Inn Town Grill, will revert back to the State.

*b. LEIF AARON THOMPSON, AGENT

New Restaurant License for Flight Deck, 6001 S. Sossaman Road. This is an existing building which is currently under construction. No previous liquor licenses at this location.

4. Consider the following contracts:

*a. Two-year supply contract for DNA crime lab supplies as requested by the Police Department.

The Purchasing Division recommends accepting the bid by Applied Biosystems at \$73,252.13 based on estimated annual requirements.

*b. Oracle Database Licenses for Citywide Use as requested by the Information Services Division (ISD).

The Purchasing Division recommends accepting the only bid from Oracle Corporation for software totaling \$334,353.30. **(Sole Source)**

*c. Two-year renewal of the supply contract for softballs and baseballs for Materials & Supply Division Warehouse inventory to be used by the Parks and Recreation Division. **(CONTINUED FROM THE JUNE 25 COUNCIL MEETING.)**

The Purchasing Division recommends exercising the two-year renewal option as follows:

Items 1 and 2 to Anaconda Sports, Inc. at \$114,709.80; and

Item 3 to BSN Sports at \$11,351.82. The combined award is then \$126,061.62 based on estimated annual requirements.

*d. Three "PM-10 Certified" street sweepers as requested by the Transportation Division.

The Purchasing Division recommends accepting the low bid meeting specification by Balar Equipment Corp. at \$427,167.01 including options, extended warranties, and applicable sales tax.

*e. Fifteen modular office workstations for the Police Department's Training Administration building.

The Purchasing Division recommends authorizing purchase from the State of Arizona contract with Goodmans at \$59,989.46 including design, installation and applicable sales tax.

- f. Two-year renewal of the supply contract for asphalt materials and crack sealant as requested by the Transportation Division.

The Purchasing Division recommends exercising the two-year renewal option as follows:

Primary contracts for Groups I, II and III to Copperstate Emulsions, Inc. for annual purchases estimated at \$639,313.29 and Group IV to Crafc0, Inc. for annual purchases estimated at \$56,685.28. Also in order to assure continuity of supply, Hawker Mfg., Inc. is being recommended as a secondary supplier for Groups I and II.

The combined award is then \$695,998.57 based on estimated annual requirements.

Mayor Hawker declared a potential conflict of interest and refrained from discussion/participation on this agenda item.

Mayor Hawker yielded the gavel to Vice Mayor Davidson for action on this agenda item.

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

Upon tabulation of votes, it showed:

AYES - Davidson-Jaffa-Kavanaugh-Pomeroy-Walters-Whalen
NAYS - None
ABSTAIN - Hawker

Vice Mayor Davidson declared the motion carried unanimously by those voting.

With action on this agenda item being complete, Vice Mayor Davidson yielded the gavel back to Mayor Hawker.

- g. 1998/1999 Arterial and Collector Overlays Project, Phase II. City of Mesa Project No. 99-56.1.

This project will overlay and/or reconstruct the roadway sections shown on the attached Exhibit "A".

Recommend award to low bidder, Nesbitt Contracting Company, Inc., in the amount of \$2,088,083.00 plus an additional \$208,808.30 (10% allowance for change orders) for a total award of \$2,296,891.30.

Mayor Hawker declared a potential conflict of interest and refrained from discussion/participation on this agenda item.

Mayor Hawker yielded the gavel to Vice Mayor Davidson for action on this agenda item.

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

Upon tabulation of votes, it showed:

AYES - Davidson-Jaffa-Kavanaugh-Pomeroy-Walters-Whalen
NAYS - None
ABSTAIN - Hawker

Vice Mayor Davidson declared the motion carried unanimously by those voting.

With action on this agenda item being complete, Vice Mayor Davidson yielded the gavel back to Mayor Hawker.

*h. Residential Street Light Pole Replacement. City of Mesa Project No. 01-14.

This project replaces the old, metal street light poles that are direct burial poles with new metal poles on concrete foundations.

Recommend award to low bidder, CS Construction, Inc., in the amount of \$358,190.00 plus an additional \$35,819.00 (10% allowance for change orders) for a total award of \$394,009.00.

*i. Residential Street Lighting. City of Mesa Project No. 00-39.

This project replaces existing street lighting in need of upgrading, and installs new street lighting where needed to enhance the illumination and safety of these streets.

Recommend award to low bidder, Utility Construction Company, in the amount of \$235,532.55 plus an additional \$23,553.26 (10% allowance for change orders) for a total award of \$259,085.81.

5. Introduction of the following ordinances and setting August 6, 2001 as the date of public hearing on these ordinances:

*a. Amending Section 11-2-2 of the Mesa City Code, changing the zoning of certain property described in Zoning Case Z01-32 (HL-01-002), adopting an official supplementary zoning map and providing penalties for the violation thereof.

*b. **Z01-31** The area east of Mountain Road to the Meridian Road alignment and south of the Warner Road alignment to one-quarter mile north of Ray Road. Rezone from Maricopa County Rural 43, R1-35 RUPD, R1-18 RUPD, and R1-10 RUPD to City of Mesa R1-43, R1-35 PAD, R1-15 PAD, AND R1-9 PAD (230 ± acres). This case involves the establishment of City zoning on recently annexed property.

*c. Deleted

- *d. **Z01-33** The northeast corner of Main Street and Hobson. Rezone from R-2 to C-2 and Site Plan Review (1.73 acres). This case involves development of a retail center.
- *e. **Z01-34** The southeast corner of Brown Road and Ellsworth Road. Site Plan Review (10± acres). This case involves development of a shopping center.
- *f. **Z01-42** 7464 East Main Street. Council Use Permit for a school in C-2 (5.423 acres). This project involves locating a charter school in an existing building in a retail center.
- *g. **Z01-43** 2045 South Pennington. Council Use Permit for a school in C-2 (0.85 acres). This case involves conversion of a day care facility to a parochial school.
- *h. **Z01-47** 323 North Gilbert Road. Council Use Permit for a charter school.

6. Consider the following resolutions:

- *a. Authorizing the City Manager to execute an Intergovernmental Agreement between the City of Mesa and the Mesa Unified School District for cooperative planning services – Resolution No. 7686.
- *b. Extinguishing a Public Utility Easement at 720 S. 72nd Street – Resolution No. 7687.

This portion of the easement is not being used and is in conflict with the construction of a new swimming pool.
- *c. Extinguishing a vehicular non-access easement located at Tri City Pavillions Shopping Mall on North Sycamore Street – Resolution No. 7688.

This easement will prevent additional driveways into the shopping center as it is located next to Webster Elementary School.
- *d. Authorizing the use of Eminent Domain to acquire a residential lot at 238 West Second Street – Resolution No. 7689.

7. Consider the following ordinances:

- a. **HLO1-001TC** Establishing a Local Historic Landmark Overlay on the Mendoza House, 126 N. Pomeroy. Owner: Jon Gentry – Ordinance No. 3910.

Victor Linoff, 820 North Robson, Chairman of the Mesa Historic Preservation Committee, addressed the Council and discussed the process for the establishment of a local historic landmark overlay on the Mendoza House. He explained that the request submitted by Jon Gentry, the current owner of the residence, conforms to the City's Historic Preservation Plan, the Downtown Concept Plan and the Redevelopment Plan and also meets criteria established by the National Register of Historic Places. Mr. Linoff emphasized that the argument that a property should not be deemed historic merely because of its association with a notable person is inconsistent with Federal, State and City standards for such a local designation. He noted that

Ramon Mendoza was the first and only Hispanic Chief of Police in the City's history, resided in the home for 53 years, and made significant contributions to the community.

Chris Miller, 117 North Wilbur, concurred with the comments of the previous speaker. She emphasized that although the current owner of the Mendoza House submitted the application for the zoning overlay, representatives of the surrounding neighborhood circulated a petition and obtained 67 signatures as an overwhelming demonstration of their support for the application.

Vince Andersen, 1226 East Greenway, commended the activism and support rendered by the residents of the Wilbur Historic District in this regard. He urged the Council to approve the introduction of the ordinance designating the Mendoza House as a local historic landmark.

Mayor Hawker voiced opposition to the introduction of the ordinance and explained that he is opposed to the establishment of a precedence which would designate a house as a historic landmark based upon the resident as opposed to the significance of the house itself. Mayor Hawker commented that although he has great respect for Chief Mendoza, he does not believe the Mendoza House rises to a sufficient level to satisfy the necessary criteria to be considered as a historic landmark. Mayor Hawker questioned whether the fact that local historic landmark designation results in a reduction in the property's assessed valuation is a factor in motivating homeowners to apply for this designation.

Councilmember Kavanaugh voiced support for this agenda item and stressed that a community's history and heritage are positively impacted through the utilization of historic overlays. Councilmember Kavanaugh added that it is appropriate to recognize the accomplishments of an individual through the designation of his/her residence as a local historic landmark.

It was moved by Councilmember Kavanaugh, seconded by Councilmember Pomeroy, that Ordinance No. 3910 be adopted.

Vice Mayor Davidson stated support for the motion and commented that the Mendoza House, located adjacent to the Wilbur Historic District and within Mesa's Town Center, meets the requisite criteria as determined by the Historic Preservation Committee. Vice Mayor Davidson acknowledged the efforts of the Committee relative to this matter.

Councilmember Pomeroy voiced support for the motion and emphasized that the Historic Preservation Committee, the Downtown Development Committee and the surrounding neighborhood have all recommended approval of the ordinance.

Councilmember Whalen advised that he would vote in favor of the motion and stressed the importance of honoring Ramon Mendoza not only for his accomplishments as the first Hispanic Chief of Police, but also for his lifelong dedication to the entire community.

Councilmember Jaffa expressed support for the motion.

Councilmember Walters commented that although she is in support of the motion, she also concurs with Mayor Hawker's comments with regard to future challenges that the Historic Preservation Committee will encounter relative to evaluation criteria.

Upon tabulation of votes, it showed:

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

Mayor Hawker declared the motion carried by majority vote.

- b. Amending the Zoning Ordinance regarding changes to the fee schedule. Amending Sections 11-18-6, 11-18-8 and 11-18-10 of the Mesa City Code regarding adjustments to the required fees for planning services; and amending Sections 9-6-2 and 9-6-6 regarding adjustments to the required fees for subdivision plats and land splits – Ordinance No. 3911.

It was moved by Councilmember Jaffa, seconded by Mayor Hawker, that the recommendation of staff be approved and Ordinance No. 3911 adopted.

Councilmember Jaffa, Chairman of the Finance Committee, voiced support for this agenda item and stressed that an increase in the City's building safety and planning division fees will allow for the acquisition of additional staff and technology to provide the development community with enhanced service capabilities.

Carried unanimously.

8. Consider resolutions and ordinances modifying rate schedules for the following utility services:

- a. Water and irrigation utility service – Resolution No. 7690, Ordinance No. 3912.

Councilmember Whalen provided an overview of the modified water and irrigation utility service rate schedules.

It was moved by Councilmember Whalen, seconded by Councilmember Kavanaugh, that Resolution No. 7690 and Ordinance No. 3912 be adopted.

Carried unanimously.

- b. Wastewater utility service – Resolution No. 7691, Ordinance No. 3913.

Councilmember Whalen outlined the modified wastewater utility service rate schedule.

It was moved by Councilmember Whalen, seconded by Councilmember Kavanaugh, that Resolution No. 7691 and Ordinance No. 3913 be adopted.

Carried unanimously.

*9. Consider granting a Communications System License for Fiber Optics/Telecommunications to Metromedia Fiber Network Services, Inc.

*9.1 Consider the purchase of property located at 229 West Vine Avenue in the amount of \$300,000.00.

This property will be used for future redevelopment purposes.

10. Consider the following subdivision plats:

- *a. "VERDE GROVES UNIT II", – (Council District 5) – The 4200 block of East Broadway (north side) 74 R1-6-PAD patio home lots (11.31 ac.) Hughes Development, developer; AMEC Infrastructure, engineer.
- *b. "CONDOMINIUM HOMES AT SUNLAND SPRINGS VILLAGE" – (Council District 6) – The 11000 block of East Baseline Road (south side) 104 R2-PAD-DMP condominium homes (13.33 ac.) Farnsworth Development Company, developer; Clouse Engineering, Inc. engineer.

11. Items from citizens present.

Assistant to the City Manager Jeff Martin reported that relative to the Federal Aviation Administration's (FAA) proposed modifications to the Draft Environmental Assessment of the Northwest 2000 Plan, the deadline for citizen comment is Wednesday, July 25, 2001. He advised that any correspondence should be directed to Mark Perryman, Landrum and Brown, 11279 Cornell Park Drive, Cincinnati, Ohio 45242, Telephone No. (513) 530-1235, or mperryman@landrum-brown.com.

12. Adjournment.

Without objection, the Regular Council Meeting adjourned at 6:38 p.m.

KENO HAWKER, 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 Regular Council Meeting of the City Council of Mesa, Arizona, held on the 16th day of July 2001. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this ____ day of _____ 2001.

BARBARA JONES, CITY CLERK

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