

## COUNCIL MINUTES

April 21, 2003

The City Council of the City of Mesa met in a Regular Council Meeting in the Council Chambers, 57 East 1st Street, on April 21, 2003 at 5:45 p.m.

### COUNCIL PRESENT

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

### COUNCIL ABSENT

None

### STAFF PRESENT

Mike Hutchinson  
Debbie Spinner  
Barbara Jones

Invocation by Executive Pastor Danny Dodson, Central Christian Church of the East Valley.

Pledge of Allegiance was led by Councilmember Mike Whalen.

Mayor's Welcome.

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.

General Plan Amendment Process Update.

Acting Planning Director Dorothy Chimel provided a brief overview of the General Plan Amendment Process Update for the benefit of the audience both present and at home.

### 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 Vice Mayor Kavanaugh, seconded by Councilmember Griswold, that the consent agenda items be approved.

Carried unanimously.

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

Minutes from the April 7, 2003 City Council Meeting.

3. Consider the following liquor license applications:

a. JASON BARCLAY MORRIS, AGENT

New Beer and Wine Store License for CVS Pharmacy #4795, 6015 E. Brown Road. This is a new building currently under construction. No previous liquor licenses at this location.

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

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

Upon tabulation of votes, it showed:

AYES - Hawker-Griswold-Jones-Kavanaugh-Thom-Walters  
NAYS - None  
ABSTAIN - Whalen

Mayor Hawker declared the motion carried unanimously by those voting.

\*b. CHARLES EDWIN DAVIS, AGENT

New Beer and Wine Store License for Grocery Outlet, 1300 S. Country Club Dr., #101. The Beer and Wine Store License previously held at this location by Maria Ramirez, Agent, Canned Foods, Inc., did not renew their 2001 liquor license.

\*c. ANGELO JOHN BARRO, AGENT

New Restaurant License for Barro's Pizza, 1066 N. Power Road, #103. This is a new building currently under construction. No previous liquor licenses at this location.

\*d. KEVIN JOHN OLSON, AGENT

New Restaurant License for Garcia's Mexican Restaurant, 1940 E. University Drive. The Restaurant License previously held at this location by Michael A. Lee, Agent, Fiesta Restaurant, Inc., will revert back to the State.

4. Consider the following Bingo application:

- \*a. Mesa Regal RV Resort – CLASS A  
Leah Marquis, Manager  
4700 E. Main Street  
Mesa, AZ 85212

5. Consider the following contracts:

- \*a. Two-year renewal of the supply contract for automotive hydraulic hose and fittings as requested by Fleet Support Services.

The Purchasing Division recommends exercising the two-year renewal option with the original overall low bidder by Kaman Industrial Technologies Corp. at \$35,000.00 based on estimated annual requirements.

- \*b. Seven Ballistic vests for SCAT team members as requested by the Police Department.

The Purchasing Division recommends accepting the only bid by Second Chance Body Armor c/o Ron Macy Associates at \$19,189.63 (**sole source**).

- \*c. Three-year supply contract for street lighting contactors for warehouse inventory to be used by the Transportation Division.

The Purchasing Division recommends accepting the low bid meeting specifications by WESCO Distribution, Inc. at \$34,613.44 based on estimated annual requirements.

- \*d. Three-year supply contract for uniform garments to be purchased for approximately 325 employees in various City departments. These shirts, pants, caps and jackets are worn by a variety of field crews to identify them as City workers.

The Purchasing Division recommends accepting the overall low bidders for each contract as follows:

Contracts #1 and #3 to ICA, Inc. for annual purchases estimated at \$55,000.00; and Contract #2 to Mission Uniform for annual purchases estimated at \$8,000.00. The combined award is then \$63,000.00 based on estimated annual requirements.

- \*e. One replacement half-ton pickup for the Gas Division of Utilities.

The Purchasing Division recommends authorizing purchase from the State of Arizona contract with Five Star Ford for a total of \$23,487.91.

- f. Gantzel Road Gas Main Extension, Combs Road to Circle Cross Ranch Subdivision. City of Mesa Project No. 01-529-001.

This project proposes to extend over 8,100 feet of 4-inch and 8-inch gas lines into our service area, allowing for connection to our system by additional customers.

Recommend award to low bidder, Northern Pipeline Construction, in the amount of \$197,117.00 plus an additional \$19,711.70 (10% allowance for change orders) for a total award of \$216,828.70.

Mayor Hawker declared a potential conflict of interest and said he would refrain from discussion/participation in this agenda item. He yielded the gavel to Vice Mayor Kavanaugh for action on this agenda item.

It was moved by Councilmember Thom, seconded by Councilmember Jones, that the recommendations of staff be approved.

Upon tabulation of votes, it showed:

AYES - Griswold-Jones-Kavanaugh-Thom-Walters-Whalen  
NAYS - None  
ABSTAIN - Hawker

Vice Mayor Kavanaugh declared the motion carried unanimously by those voting

Vice Mayor Kavanaugh yielded the gavel back to Mayor Hawker.

g. City Water Zone Split, PRV Installation. City of Mesa Project No. 02-201-001.

This project proposes to allow water from the next higher zone to transfer into the City Zone to serve the under-pressured areas, and will install two Pressure Reducing Valves (PRVs) to ensure that the pressures are within the acceptable range.

Mayor Hawker declared a potential conflict of interest and said he would refrain from discussion/participation in this agenda item. He yielded the gavel to Vice Mayor Kavanaugh for action on this agenda item.

It was moved by Councilmember Griswold, seconded by Councilmember Walters, that the recommendations of staff be approved.

Upon tabulation of votes, it showed:

AYES - Griswold-Kavanaugh-Jones-Thom-Walters-Whalen  
NAYS - None  
ABSTAIN - Hawker

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

Vice Mayor Kavanaugh yielded the gavel back to Mayor Hawker.

\*h. Electrical Upgrades at City Well Sites. City of Mea Project No. 02-30.

This project proposes to replace the electrical service and motor control center, upgrade the pump control and flow metering, and replace wiring and other electrical appurtenances at Desert Well No. 6 to improve operational efficiency and reliability. It will also replace the electrical service, motor starter, wiring and other electrical appurtenances at Monitoring Wells 2 and 3 located in 8<sup>th</sup> St. near Riverview Golf Course.

Recommend award to low bidder, TIC-The Industrial Company, Inc., in the amount of \$99,930.98 plus an additional \$9,993.10 (10% allowance for change orders) for a total award of \$109,924.08.

- i. Lindsay Road pavement and Storm Drain Improvements, Southern Avenue to Broadway Road and University Drive to Inca Street. City of Mesa Project No. 00-88.2.

This project proposes to install storm drain and reconstruct two sections of Lindsay Road, between Southern Avenue and Broadway Road, and between University Drive and Inca Street.

Recommend award to low bidder, Hunter Contracting Co., in the amount of \$1,549,819.97 plus an additional \$154,982.00 (10% allowance for change orders) for a total award of \$1,704,801.97.

Mayor Hawker declared a potential conflict of interest and said he would refrain from discussion/participation in this agenda item. He yielded the gavel to Vice Mayor Kavanaugh for action on this agenda item.

It was moved by Councilmember Thom, seconded by Councilmember Jones, that the recommendations of staff be approved.

Upon tabulation of votes, it showed:

AYES - Griswold-Jones-Kavanaugh-Thom-Walters-Whalen  
NAYS - None  
ABSTAIN - Hawker

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

Vice Mayor Kavanaugh yielded the gavel back to Mayor Hawker.

- \*j. Mesa Fire Stations 204, 205, 207, 208, 211 & 215 Ventilation Renovations. City of Mesa Project No. 02-36.

This project proposes to remedy slightly undersized exhaust systems, coupled with controls that did not efficiently separate the exhaust and cooler intake functions, by adding ductwork and exhaust fans where needed. It will also adjust airflows to achieve appropriate pressures, and replace the existing control systems with more efficient, interfaced control systems.

Recommend low bidder, C&W Restoration, in the amount of \$68,342.00 plus an additional \$6,834.20 (10% allowance for change orders) for a total award of \$75,176.20.

6. Introduction of the following ordinances and setting May 5, 2003 as the date of public hearing on these ordinances:

- \*a. **Z03-10** 1945 and 1955 South Val Vista Road (2.6± acres). Site Plan Modification. This case involves the development of office buildings. Val Vista Gateway, LLC, owner; Brian Moore, BCMA Architecture, applicant.

- \*b. **Z03-14** 6232 East Arbor Avenue (3.6 acres±). Rezone from C-2 to C-2 PAD. This case involves the development of a medical office complex. Jere Plank, owner, Edward Roblee, applicant. Also consider the preliminary plat of "Baywood Professional Center."

7. Consider the following resolutions:

- a. Fixing May 19, 2003 as the Public Hearing date on the proposed final assessments for the Mesa Town Center Improvement District No. 228 – Resolution No. 8001.

This District provides enhanced municipal services for the Town Center.

Mayor Hawker declared a potential conflict of interest and said that he would refrain from discussion/participation in this agenda item. He yielded the gavel to Vice Mayor Kavanaugh for action on this agenda item.

It was moved by Councilmember Thom, seconded by Councilmember Whalen, that Resolution No. 8001 be adopted.

Upon tabulation of votes, it showed:

AYES - Griswold-Jones-Kavanaugh-Thom-Walters-Whalen  
NAYS - None  
ABSTAIN - Hawker

Vice Mayor Kavanaugh declared the motion carried unanimously by those voting and Resolution No. 8001 adopted.

Vice Mayor Kavanaugh yielded the gavel back to Mayor Hawker.

- \*b. Authorizing the City Manager to execute a Development Agreement for City Share Reimbursement between Coady Enterprises, Inc., an Arizona Corporation, and the City of Mesa, for the reimbursement of regional offsite improvements that are being required by Mesa in conjunction with the proposed development of Bark Avenue, which is located at 3109 East McKellips Road – Resolution No. 7995.
- \*c. Vacating a portion of the right-of-way of Ocotillo Road at the 9000 block of East Elmwood Street – Resolution No. 7996.

The following item was removed from the Consent Agenda for discussion.

- d. Adopting a Citrus Sub-Area Plan – Resolution No. 8002.

Acting Planning Director Dorothy Chimel provided a brief overview of this agenda item and noted that the issue calls for the adoption of a resolution, which serves as a guide, rather than the adoption of an ordinance.

The following citizens, in order of appearance, submitted blue speaker cards and spoke in support of the Citrus Sub-Area Plan:

Dena Higgins	2341 N. Lemon Circle
Rick Dale	2113 N. Maple Street
John Gustafson	3732 E. Halifax Circle
Bill Burke	3450 E. Menlo Street
Ruth Hirt	3741 E. Huber Street
H.D. Salam	2251 N. 32 <sup>nd</sup> Street
Lew Lenz	3717 E. Pomegranate Street

Mayor Hawker advised that Anne and Eric Kofod (2710 N. Val Vista Drive) submitted cards indicating their support for the Citrus Sub-Area Plan, but did not wish to speak.

Ralph Pew, 10 West Main Street, an attorney representing the applicant, Mr. Mark Gunning, the owner of the southeast corner of Val Vista & McDowell, and the owners at the northeast corner of Val Vista & McDowell, addressed the Council. He explained that this is the only corner that will realize any significant impact as a result of the proposed guidelines. Mr. Pew requested that if the Council is in a hurry to adopt the guidelines, that they approve them with the disclaimer that was included at the Planning and Zoning Board meeting, which states, in essence, that there are parts of the plan that become mandatory and “go beyond” the authority of the Board and the Council.

Mr. Pew commented that there are five items that specifically deal with office development that he and his clients believe are “over-reaching.” He stated, as an example, at the end of the guidelines there is a provision that says an individual can engage in office development at Val Vista and McDowell, but noted that what the guidelines really say is that you can do office development as long as no one sees it or knows it exists. Mr. Pew advised that the guidelines also require a six-foot wall in front of the property, that no signage will be permitted, and he stated the opinion that this would make it impossible to attract high quality tenants. He commented on other restrictions including limiting two-story construction, and added that banks, financial institutions, day care centers and a small veterinary clinic would not be permitted uses.

Mr. Pew requested that if the Council is determined to act on this item this evening, that they make sure that the disclaimer is included.

Mayor Hawker thanked all of the speakers of their input.

Councilmember Griswold commended Councilmember Walters for bringing this item forward. He expressed appreciation to the surrounding neighbors for their willingness to compromise and thanked them for their efforts and hard work.

Councilmember Walters expressed support for adoption of the resolution and commented on the importance of Mesa maintaining diverse areas throughout the community, including the preservation of the City’s citrus areas. She stated the opinion that the sub-area plans provide clear direction to developers so there is no misunderstanding of what is desired for an area and what the neighbors are willing to support.

It was moved by Councilmember Griswold, seconded by Councilmember Walters, that Resolution No. 8002, adopting a Citrus Sub-Area Plan, which will serve as a guideline in the future, be adopted.

Mayor Hawker clarified that the motion would be to approve the packet as brought forward from the Planning and Zoning Board, including the disclaimer previously referred to by Mr. Pew.

Vice Mayor Kavanaugh spoke in support of this agenda item and commended the neighbors on their efforts.

Councilmember Whalen concurred with the Mayor Hawker's remarks and said that he respects the way the neighbors are willing to come together and arrive at compromise solutions.

Mayor Hawker also concurred with the comments of the previous Councilmembers.

Councilmember Jones commented on the importance of neighbors working together and becoming involved. He added that although "absolutes" are not being specified, the plan provides important guidelines and parameters and will serve as an important tool.

Councilmember Thom thanked the residents who worked so hard on the plan. She said that the possibility exists that changes will come forward in the future, particularly in the areas of signage.

Carried unanimously.

Councilmember Thom requested that agenda items 7e and 7f be removed from the Consent Agenda for discussion. Both items were discussed simultaneously.

- e. Authorizing the City Manager to execute a Disposition and Development Agreement between the City of Mesa and Mesa Violin Studios, LLC for 213 North Morris Street ("Pomeroy House") – Resolution No. 8003.
- f. Authorizing the City Manager to execute a Disposition and Development Agreement between the City of Mesa and 44 West University, LLC (John C. Giles) for 238 West 2<sup>nd</sup> Street ("Mitten House") – Resolution No. 8004.

Councilmember Thom provided a brief overview of the two agenda items and explained that the City of Mesa purchased these properties for the construction of the Mesa Arts Center located between Main Street and 1<sup>st</sup> Avenue, east of Center Street. She advised that subsequently, it was necessary to move the two houses away from the property and that the City eventually bought two lots and paid for the site preparation and the relocation of the structures. Councilmember Thom added that this item is for approval of the development agreements for those two properties.

In response to a question from Councilmember Thom, Real Estate Services Specialist Craig Crocker clarified that he is unaware of any private offers to purchase the homes and place them on privately owned property. He noted that if this did occur, he would have advised that this is not the manner in which the City handles situations such as this, that an RFP process would be required, and therefore staff would not have followed up on the request.

Councilmember Thom expressed a series of concerns relative to the process that was followed by the City; the significant amount of money that these items will cost the City of Mesa, and that in her opinion, private parties, rather than government, should have been involved in the matter.

Discussion ensued relative to the Council's desire in the future to obtain earlier, more in-depth information relative to matters such as this; the RFP process and the fact that the City typically utilizes this process when disposing of City-owned property; that the City has an obligation to sell assets to the highest bidders, and that in the future, should a similar situation arise, the City's legal staff should become involved in the process as well.

Mayor Hawker advised that he will vote in support of both items, but agreed that the process was flawed and that the Council should have been apprised of the total costs up front. He added that if the Council had been aware of the fact that the costs were so high, it might have elected to put the house up for sale on the site and the purchaser would have been required to incur any additional costs as opposed to the City. Mayor Hawker added that if a similar situation occurs in the future, that the Council will need to take into consideration the expenses associated with moving historical buildings.

Vice Mayor Kavanaugh stated the opinion that situations such as this are and will remain very rare. He added that when disposing of similar properties, it must occur as a result of a public process to ensure "equal access."

It was moved by Vice Mayor Kavanaugh, seconded by Councilmember Walters, that Resolution No. 8003 be adopted.

Upon tabulation of votes, it showed:

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

Mayor Hawker declared the motion carried by majority vote and Resolution No. 8003 adopted.

It was moved by Vice Mayor Kavanaugh, seconded by Councilmember Walters, that Resolution No. 8004 be adopted.

Upon tabulation of votes, it showed:

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

Mayor Hawker declared the motion carried by majority vote and Resolution No. 8004 adopted.

\*g. Authorizing the sale of City property in the Washington Park neighborhood to adjacent property owners – Resolution No. 7997.

This is a sale of excess property. Two non-contiguous partial lots in Washington Park are no longer developable.

- \*h. Authorizing the City Manager to execute an agreement between the City of Mesa and the Arizona Governor's Office of Highway Safety providing for funds to pay for the purchase of one Vetronix crash data retrieval system, two SUV type vehicles, one Intoxilyzer 5000 EN, ten talon hand-held radars and ten pro laser hand-held lasers. It will also provide funds for collision reconstruction expert training, DRE recertification, Lifesavers conference costs, overtime reimbursement for educational classes, red light enforcement, DUI task force operations and child seat safety fairs – Resolution No. 7998.
- \*i. Authorizing the City Manager to execute an agreement between the City of Mesa and the Arizona Governor's Office of Highway Safety providing for funds to pay for the purchase of one Vetronix crash data retrieval system, one unmarked police sedan, one GPS measuring system, one wall mounted sphygmomanometer and one digital/video camera – Resolution No. 7999.
- \*j. Approving and authorizing the City Manager to execute a grant agreement between the Regional Public Transportation Authority and the City of Mesa to execute a contract amendment with Valley Metro – Resolution No. 8000.

8. Consider the following ordinances:

- \*a. Amending Section 11-2-2 of the Mesa City Code, changing the zoning of certain property described in Zoning Case No. CZ03-001TC, for the proposed relocation of City Well Site No. 10 to 219 and 225 South Robson – Ordinance No. 4061.
- \*b. Amending Section 11-2-2 of the Mesa City Code, changing the zoning of certain property described in Zoning Case No. CUP03-002TC for a newspaper establishment at 120 W. First Avenue and 27 S. Robson – Ordinance No. 4062.

8.1 Consider the purchase of property located at 3400 South 80<sup>th</sup> Street for a future fire station.

Mayor Hawker noted that Councilmember Thom requested that this item be removed from the Consent Agenda.

Councilmember Thom asked whether the City of Mesa owned property around the future site that could be used to locate the fire station rather than purchasing additional property.

In response to Councilmember Thom's question, Real Estate Services Specialist Craig Crocker provided a brief overview of the location of the proposed fire station and commented that at the present time, the City does not own any property in the area that could be used for this purpose.

Councilmember Thom thanked Mr. Crocker for his input.

It was moved by Councilmember Thom, seconded by Councilmember Jones, to approve the purchase of property located at 3400 South 80<sup>th</sup> Street for a future fire station.

Carried unanimously.

9. Consider the following subdivision plats:

- \*a. "CVS PHARMACY STORE NO. 5026," - (Council District 6) – 1212 South Greenfield Road (west side) 3 C-2 commercial lots (5.30 acres) Valley Citrus Packing Company, an Arizona Corporation, owner, Carter & Burgess, Inc., engineer.
- \*b. "FALCON GATEWAY," - (Council District 5) – 4505 East McKellips Road (south side) 6 C-2 commercial lots (34.54 acres) Wal-mart Stores, Inc., a Delaware Corporation, owner; Brady-Aulerich & Associates, Inc., engineer.
- \*c. "MONTE VISTA VILLAGE CENTER SHOPS," - (Council District 6) – 9101 East Baseline Road (south side) 6 C-2 commercial lots (15.88 acres) Weingarten Nostat, Inc., a Texas Corporation, and Monte Vista, L.L.C., owners; Stantec Consulting Inc., engineer.

10. Items from citizens present.

There were no items from citizens present.

11. Adjournment.

Without objection, the Regular Council Meeting adjourned at 7:03 p.m.

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KENO HAWKER, 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 21<sup>st</sup> day of April 2003. 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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