

COUNCIL MINUTES

March 15, 2004

The City Council of the City of Mesa met in a Regular Council Meeting in the Council Chambers, 57 East 1st Street, on March 15, 2004 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

OFFICERS PRESENT

Paul Wenbert
Joe Padilla
Barbara Jones

(Councilmember Walters participated in the meeting through the use of teleconferencing equipment.)

Invocation by Associate Pastor Gene Maples, Broadway Christian Church.

Pledge of Allegiance was led by Jarrett Bunnin, Boy Scout Troop No. 656.

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.

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

Carried unanimously.

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

Minutes from the February 12 and March 1 and 11, 2004 Regular Council meetings.

3. Consider the following liquor license applications:

*a. MELISSA GAYLE POULSON, PRESIDENT

Special Event License application of Melissa Gayle Poulson, President, Las Sendas Elementary PTO, a one-day charitable event to be held Friday, April 23, 2004 from 7:00 p.m. to 10:00 p.m. at 7900 East Eagle Crest Drive (Las Sendas Trailhead Club). District #5.

*b. RUBEN RUIZ, AGENT

Person Transfer Beer and Wine Bar License for Villa del Sol Mexican Food, 1340 S. Country Club Drive. This is an existing business. This is a person transfer from Manuel D. Armenta, Etal, Armenta's Mexican Food, 1340 S. Country Club Drive. This license will transfer to the applicant. District #3.

*c. KYE SUN CHANG, INDIVIDUAL

New Beer and Wine Store License for Asiana Market, 1116 S. Dobson Road, Suite 117. This is an existing building. No previous liquor licenses at this location. District #3.

*d. SHAHID HANIF, AGENT

New Beer and Wine Store License for Salt & Pepper, 2333 W. Broadway Road, Suite 1. This is an existing business. The Beer and Wine Store License currently held at this location by Mahesh C. Patel, Agent, Krupalu Corporation, will revert back to the State. District #3.

e. RANDY D. NATIONS, AGENT

New Beer and Wine Store License for Sprouts Farmers Market, 1933 E. Brown Road. This is an existing building. No previous liquor licenses at this location. District #2.

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

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

Upon tabulation of votes, it showed:

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

NAYS - None

ABSTAIN - Griswold

Mayor Hawker declared the motion carried unanimously by those voting.

*f. ROBERT T. CAREY, AGENT

New Restaurant License for Uncle Bear's Grill and Bar, 9053 E. Baseline Road, Suite 101-103. This is new construction. No previous liquor licenses at this location. District #6.

*g. KAREN L. GRUNWALK, CHAIRMAN

Special Event License application of Karen L. Grunwalk, Chairman, St. Bridget Church, a one-day religious event to be held Sunday, March 28, 2004 from 4:00 p.m. to 7:00 p.m. at 2213 N. Lindsay Road, St. Bridget Church. District #5.

4. Consider the following Bingo application:

- *a. Sunland Springs Village – CLASS B
William P. Reisenauer, Manager
11214 E. Laguna Azul Circle, Mesa, AZ 85212
District #6

5. Consider the following contracts:

- *a. Claims Management System for the City Attorney's Office and Workers' Compensation as requested by the Information Services Division (ISD).

The City Council is requested to approve the purchase of a Claims Management System, including associated project reserves, and system hardware and software, as recommended. Proposals were obtained by the Purchasing Division and evaluated by the City Attorney's Office, Workers' Compensation Unit, and the Information Services Division.

The Purchasing Division endorses the Evaluation Team's recommendation to accept the proposal from Computer Sciences Corporation (CSC) for an amount not to exceed \$236,978.00. The CSC proposal received a score of 1,065 points (85.2% of the maximum).

The Purchasing Division further recommends approving: \$31,609.98 for server hardware using the City's Intergovernmental Agreement with the State of Arizona to utilize the Western States Contracting Alliance contracts with Hewlett Packard, including tax; and, \$30,758.85 for project contingencies (10% of total project, including all hardware and software).

The combined total award for these expenses is not to exceed the amount of \$299,347.32.

- *b. One-year renewal of the supply contract for office supplies, toner cartridges and copier paper used by all City departments.

The Purchasing Division recommends exercising a one-year renewal of the US Communities Government Purchasing Alliance contract with Office Depot for annual purchases estimated at \$950,000.00.

- *c. Two-year renewal of the publication and distribution of the TimeOut magazine as requested by the Community Services Department.

The Purchasing Division recommends exercising the two-year renewal option with the original low bid by Tribune Newspapers for annual expenses estimated at \$49,000.00 based on three issues per year.

- *d. Two-year renewal of the supply contract for traffic control signs as requested by the Transportation Division.

The Purchasing Division recommends exercising the two-year renewal with the original low bidders as follows:

Section I and Section IIB to Custom Products Corp. at \$66,803.94; and Section IIA to Rocal Inc. at \$62,975.46. The combined award is then \$129,779.40 based on estimated annual requirements.

- *e. "Ruggedized" Notebook Computers for the Utility Locating Division, as requested by the Information Services Division.

The Purchasing Division recommends authorizing purchase from the State of Arizona contract with CLH International, Inc. for a total of \$56,352.53.

- *f. Six new workstations and six reconfigured workstations for Building Safety as requested by Development Services.

The Purchasing Division recommends authorizing purchase from the State of Arizona contract with Goodman's, Inc. at \$22,674.64 including design, installation, delivery and applicable sales tax.

- *g. Mesa City Plaza First Floor Remodel. City of Mesa Project No. 02-415-001.

This project will remodel the existing first floor of the old bank area of the City Plaza Building for new office space for the Planning Division. This will allow the Building Safety Division to expand into the space where Planning staff vacated in a future phase of the remodeling project.

Recommend award to low bidder, SDB, Inc., in the amount of \$49,598.00 plus an additional \$4,959.80 (10% allowance for change orders) for a total award of \$54,557.80.

- h. Mesa Arts Center. City of Mesa Project No. 99-70.

Ratification to increase the contract amount of Project No. 99-70 and 01-124 in the amount of \$540,000.00 to pay for the adding of the mechanical equipment and piping for the water features in the project. The current contract amount with the approved

allowance is \$76,092,476.90. The new contract amount with this increase would be \$76,632,476.90

City Engineer Keith Nath responded to a series of questions posed by Councilmember Thom. He reported that although the construction of the piping and mechanical equipment for various water features in the Mesa Arts Center was included in the original project budget, the work was not, however, included in the contract awarded to Layton Southwest, Inc. Mr. Nath advised that after the start of construction of the facility, staff entered into discussions with Layton regarding the construction of the water features and noted that a determination was made that it would be to the City's advantage to add the mechanical equipment and piping of the water features to the overall Arts Center contract. He added that the decision to proceed in this manner was based on the fact that the general contractor would be able to more efficiently coordinate the water features work with the overall construction and thereby eliminate conflicts with another contractor and avoid potential time delays.

Councilmember Jones emphasized that the Council-approved overall budget for the Arts Center includes an allowance for the construction of piping and mechanical equipment for various water features. He added that there would be no fiscal impact to the City as a result of this agenda item, but rather a potential cost savings in the long run.

In response to a question from Councilmember Whalen, Mr. Nath clarified that the piping and mechanical equipment would provide the necessary infrastructure to provide for, as an example, dancing water features.

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

Upon tabulation of votes, it showed:

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

Mayor Hawker declared the motion carried by majority vote.

6. Introduction of the following ordinances and setting April 5, 2004 as the date of public hearing on this ordinance:

- *a. Amending various sections of the Mesa City Code regarding the following traffic modifications:

Prohibiting Left Turns From Driveways: 10-3-15 (B)

The east and west side of Power Road from driveways with centerlines approximately 620 feet north of McKellips Road. (Power Road north of McKellips Road)

No Parking: 10-3-24 (D) (Full Time No Parking)

On the south side of Enid Avenue from Sunnyvale to a point 95 feet west of Sunnyvale. (north of Southern Avenue and east of Higley Road)

On the west side of 54th Street from Sunnyvale to a point 50 feet south of Sunnyvale. (north of Southern Avenue and east of Higley Road)

The east side of Pasadena from McLellan Road to Jasmine Street. (Remove Prohibition) (south of McKellips Road and east of Center Street)

The west side of Pasadena from McLellan Road to Jacaranda Street. (Remove Prohibition) (south of McKellips Road and east of Center Street)

No Parking: 10-3-24 (F 2) (No Parking, School Days, 7:00 a.m. – 4:00 p.m.)

On the south side of McLellan Road from Pasadena to a point 140 feet west of Pasadena. (south of McKellips Road and east of Center Street)

On the west side of Pasadena from McLellan Road to a point 122 feet north of McLellan Road. (south of McKellips Road and east of Center Street)

On the east side of Pasadena from McLellan Road to a point 145 feet north of McLellan Road. (south of McKellips Road and east of Center Street)

- b. Repealing the existing Personnel Rules applicable to City of Mesa Employees and adopting by reference new Personnel Rules.

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

It was moved by Vice Mayor Kavanaugh, seconded by Councilmember Thom, that an ordinance repealing the existing Personnel Rules applicable to the City of Mesa Employees and adopting by reference new Personnel Rules be introduced and setting April 5, 2004 as the date of public hearing.

Upon tabulation of votes, it showed:

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

NAYS - None

ABSTAIN - Griswold

Mayor Hawker declared the motion carried unanimously by those voting.

- *c. **Z03-66 (District 2)** The 2500 block of East Southern Avenue (north side). Located north and west of Southern and Lindsay (1.26± ac.). Rezone from R1-43 to O-S. This request is for the development of a medical office building. S.L.A.M. (Drs. Thomas Sulton, Cynthia Lowe, James Anderson, and Richard Merkley), owner; Marty Fifer, applicant.
- d. **Z04-05 (District 6)** 517 South Higley Road. Located south of Broadway Road and east of Higley Road (12.69± ac.). Rezone from AG to R1-6 PAD. This request is for the

development of a single residence subdivision. Donald R. Allison, Monogram Development Services, L.L.C., owner/applicant.

Ronn Walker, 520 South Sunnyvale, a spokesman for the neighborhood surrounding the proposed single residence subdivision, expressed a series of concerns regarding the Heritage Pointe project. He stated, among other things, that during a recent neighborhood meeting, representatives of Monogram Development had agreed to restrict the building of two-story houses along the south (Catalina) and east (Sunnyvale) side of the development, including lots 54, 55 and 17; that when the zoning case was presented to the Planning & Zoning Board for consideration, the three lots were not included as part of the agreement to restrict the building of two-story houses; and that it is the desire of the Sunnyvale neighbors that the proposed two-story homes in their area be built at a distance of 160 feet from their property lines as is the case in the Catalina neighborhood.

Mayor Hawker advised Mr. Walker that agenda item 6d is the introduction of the ordinance related to Zoning Case Z04-05 and that April 5, 2004 is the date of the public hearing and when the Council would consider the matter.

Discussion ensued among the Council and the Deputy City Attorney relative to the possible reintroduction of the ordinance if the applicant wished to include additional stipulations relative to Mr. Walker's concerns; the fact that staff was directed to contact the applicant regarding Mr. Walker's concerns prior to the April 5, 2004 public hearing; that at the Planning and Zoning Board meeting concerning the case, discussion occurred relative to the construction of two-story homes in the proposed subdivision; and that a representative of the applicant advised the Council that Monogram Development would prefer to proceed forward with the case based on the Planning and Zoning Board's recommendation for approval with conditions.

It was moved by Councilmember Whalen, seconded by Councilmember Thom, that an ordinance relative to Zoning Case Z04-05 be introduced and setting April 5, 2004 as the date of public hearing.

Carried unanimously.

- *e. **Z04-11 (District 6)** 5416 and 5424 East Southern Avenue (3.4± ac.). Located north of Southern Avenue and east of Higley Road. Rezone from O-S to O-S PAD. This case involves rezoning to facilitate condominium ownership on an existing building. David Rothberg (Manager), owner; Clare Abel, applicant.
- *f. **Z04-12 (District 5)** 2835 North Power Road. Located north of McDowell Road and East of Power Road (3.9± ac.). Rezone from C-2 DMP to C-2 PAD DMP. This request is for the development of office condominiums within an approved center. Sam Sprague/Power and McDowell Associates, LLC, owner and applicant.
- *g. **Z04-13 (District 6)** West of the southwest corner of Southern Avenue and Ellsworth Road (3.27± ac.). Rezone from AG to C-2. This request is for the development of an auto service building. Russell Scaramella, owner; Vince Dalke, V.P. Archicon L.C., applicant.

- *h. **Z04-14 (District 2)** 1102 North Val Vista Drive. Located south of Brown Road and west of Val Vista Drive (0.36± ac.). Rezone from O-S to R1-9. This request is for the development of a single residence lot. Tydam LLC; Tyson M. Tibshraeny, owner; Ray W. Syder, Ray Quality Homes, Inc., applicant.
- *i. **Z04-15 (District 6)** Southeast corner of Southern Avenue and Higley Road (13.39± ac.). Site Plan Review. This request is for the development of a commercial shopping center. Richard F. Cavanaugh, Southern and Higley Realty Partners, LLC, owner; Nick Wood and Reese Anderson, Snell and Wilmer, applicants.
- *j. **Z04-16 (District 6)** 5800 E. Still Circle. Located north of Baseline Road and west of Recker Road (9.15± ac.). Site Plan Review of PEP, PAD parcel. This case involves the development of a medical office complex as part of the Arizona Health and Technology Park. A.T. Still University, owner; Tim Becker, Alter Group, applicant.
- *k. **Z04-17 (District 5)** The northeast corner of North Sossaman Road and East Willetta Street. South and east of Sossaman and McDowell (2.86± ac.). Rezone from Maricopa County R1-35 to City of Mesa R1-35. This case involves the establishment of City zoning on recently annexed property. Aaron David Smith, owner; City of Mesa, applicant.
- *l. **Z04-18 (District 6)** The northwest corner of South Signal Butte Road and East Pecos Road (36.37± ac.). Rezone from Maricopa County Rural 43 to City of Mesa R1-43. This case involves the establishment of City zoning on recently annexed property. Clark Fox, David Jarvis, owners; City of Mesa, applicant.
- *m. **Z04-19 (District 5)** Area south of East Hermosa Vista Drive to East McKellips Road, and west of North Sossaman Road to the Central Arizona Project Canal (150.2± ac.). Rezone from Maricopa County R1-35 and R-18 to City of Mesa R1-35 and R-15. This case involves the establishment of City zoning on recently annexed property. Various owners (see list of owners in the packet); City of Mesa, applicant.
- *n. **Z04-20 (District 5)** Certain properties south of University Drive and east of Crismon Road between N. 101st Circle and 102nd Street (2.4± ac.). Rezone from Maricopa County R1-8 to City of Mesa R1-9. This case involves the establishment of City zoning on recently annexed property. D.B./Billie A. Chamberlin, owners; City of Mesa, applicant.
- *o. **Z04-21 (District 5)** Areas on the east and west sides of Ellsworth Road north of Main Street (38± ac.). Rezone from Maricopa County R1-8, R-2 RUPD, R-5, C-2, and C-3 to City of Mesa R1-9, R1-6 PAD, and C-2. This case involves the establishment of City zoning on recently annexed property. Various owners (see list of owners in the packet); City of Mesa, applicant.
- *p. **Z04-22 (District 5)** The 6000 – 6200 block of East McKellips Road (north side) and the 6200 – 6400 block of East Hermosa Vista Drive (south side). Located north of McKellips Road and east of Recker Road (47± ac.). Rezone from R1-6 DMP and R-4 PAD-DMP to R1-6 PAD-DMP; also Modification of a Development Master Plan. This case involves the development of a residential community. Shelby Futch, owner; Ray Mehan, Mehan Construction, and Shelby Futch, applicants.

- *q. **Z04-03 (District 6)** South and east of the southeast corner of Power Road and Elliott Road (20.5± ac.). Rezone from R-3 to C-3 within an approved DMP. This request is to bring zoning into conformance with Mesa 2025 General Plan per City Council direction. Farnam Realty Inc., owner; Wayne Balmer, Project Manager WGAA, applicant.
- *r. Relating to the Privilege License Tax; adopting “The 2003 Amendments to the Tax Code of the City of Mesa” by reference; establishing an effective date; providing for severability and providing penalties for violations.

7. Consider the following resolutions:

- *a. Approving the appointment of Terry Williams as the City of Mesa’s Building Official – Resolution No. 8200.
- *b. Authorizing the City to purchase vehicles from the State of Arizona contracts and making the determination that for 2004 the City of Mesa is unable to acquire alternative fuel vehicles at the net cost of no greater than ten percent more than the net costs of conventional fueled vehicles – Resolution No. 8201.

These purchases will include 55 vehicles for various departments. 48 vehicles are replacements; 7 are additions to the fleet.

The Purchasing Division recommends the following purchases:

Five Star Ford for items A, B and C at \$495,066.73; Courtesy Chevrolet for items D, E, F, G and H at \$198,523.45; and Valley Kawasaki for item I at \$76,307.36. The combined award is then \$769,897.54.

- *c. Canvassing, declaring, and adopting the results of the Primary/Special Election held March 9, 2004 – Resolution No. 8202.

7.1. Consider the following recommendation from the Police Committee:

- *a. Adopting the addition of Mesa City Code subsection 3-6-3 which would authorize civilian volunteers in police service to issue citations for unauthorized use of Physically Disabled Parking.

8. Consider the following cases from the Planning and Zoning Board and possible adoption of the corresponding ordinance:

- *a. **Z03-58 (District 5)** Southwest corner of Recker Road and McDowell Road (1.56 ac. +). Site Plan Modification. This request is for the development of a Quik Trip convenience store. Quik Trip Corporation; owner/applicant – Ordinance No. 4167. **(CONTINUED FROM THE FEBRUARY 2 AND FEBRUARY 17, 2004 CITY COUNCIL MEETINGS).**

OPTION PROPOSED BY THE APPLICANT:

1. Compliance with the basic development as described in the project narrative and as shown on the site plan and elevations submitted, (without guarantee of lot yield, building count, lot coverage) except as noted below.
2. Compliance with all requirements of the Development Services Department (Engineering, Traffic Engineering, Solid Waste and Facilities, etc.).
3. 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.
4. Compliance with all requirements of the Design Review Board.
5. Full compliance with all current Code requirements, unless modified through appropriate review and approval of the variance outlined in the staff report.
6. Review and approval of a Special Use Permit by the Board of Adjustment for gas pumps.
7. Owner granting an Avigation Easement and Release to the City, pertaining to Falcon Field Airport which will be prepared and recorded by the City prior to the issuance of a building permit.
8. Retention basins to be 6:1 slopes maximum when adjacent to public rights-of-way or pedestrian walkways.

9. Items from citizens present.

There were no items from citizens present.

10. Adjournment.

Without objection, the Regular Council Meeting adjourned at 6:20 p.m.

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 15th day of March 2004. I further certify that the meeting was duly called and held and that a quorum was present.

BARBARA JONES, CITY CLERK