



COUNCIL MINUTES

November 18, 2002

The City Council of the City of Mesa met in a Regular Council Meeting in the Council Chambers, 57 East 1st Street, on November 18, 2002 at 5:45 p.m.

COUNCIL PRESENT

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

COUNCIL ABSENT

None

STAFF PRESENT

Mike Hutchinson
Debbie Spinner
Barbara Jones

Invocation by Councilmember Walters.

Pledge of Allegiance was led by Austin Burnham, Boy Scout Troop No. 50.

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

Carried unanimously.

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

3. Consider the following liquor license applications.

*a. JASON BARCLAY MORRIS, AGENT

New Beer & Wine Store License for CVS Pharmacy #3436 Mesa, LLC, 2809 S. Sossaman Road. This is a new business. No previous liquor license for this location.

*b. DEBBIE LAN NGUYEN, AGENT

New Beer & Wine Store License for TL Qik Stop Market, 361 S. Lindsay Road. This is an existing business. The license previously held at this location by Ahdy R. Youssef, Agent, Lotus Market, will revert back to the State.

4. Consider the following contracts:

*a. One replacement CNG-powered forklift as requested by Fleet Support Services.

The Purchasing Division recommends accepting the bid by H & E Equipment Services, LLC at \$25,969.94 including applicable sales tax. **(Sole Responding Bid)**

*b. Supply contract for herbicides used for landscape maintenance by the Transportation, Parks and Recreation & Facilities Maintenance Divisions.

The Purchasing Division recommends authorizing purchase from Maricopa County contract with Target Specialty Products at \$74,002.23 based on estimated annual requirements and including applicable sales tax.

*c. Three-year supply contract for large gas meters for warehouse inventory as requested by the Utilities Department.

The Purchasing Division recommends accepting the low bids as follows:

Item 1 to Actaris US Gas at \$16,030.08 including applicable use tax;

Items 3, 5, 6, 8, 9, and 10 to Dresser ROOTS Meters & Instruments at \$182,248.65 including applicable use tax; and Items 4 and 7 to Tri-Pacific Supply at \$89,557.14 including applicable use tax.

The combined award is then \$287,835.87 based on estimated annual requirements.

*d. Library Circulation Software Licenses for the East Mesa Regional Library as requested by the Information Services Division (ISD).

The Purchasing Division recommends accepting the only bid from Epixtech, Inc., for a total of \$11,708.93, including applicable sales tax. **(Sole Source)**

*e. Two-year renewal of the supply contract for manhole insecticidal coating as requested by the Utilities Department.

The Purchasing Division recommends exercising the two-year renewal option with the original bid by Jabco, Inc. at \$42,261.12 based on estimated annual requirements.

- *f. One replacement ¾-ton pickup for the Engineering Division.

The Purchasing Division recommends authorizing purchase from the State of Arizona contract with Courtesy Chevrolet at \$32,379.96 including applicable sales tax.

- *g. Thermoplastic striping material for the Transportation Division.

The Purchasing Division recommends authorizing purchase from the ADOT contract with Susannah Dobbs Company, LC dba Dobco at \$32,890.01 including applicable sales tax.

- *h. Three-year supply contract for traffic signal posts for warehouse inventory as requested by the Transportation Division.

The Purchasing Division recommends accepting the low overall bid by Allied Tube & Conduit at \$68,131.18 based on estimated annual requirements, and including applicable use tax.

- *i. 14 motorcycles for the Police Department Patrol Division. Nine cycles are replacements, five are additions to the fleet.

The Purchasing Division recommends authorizing purchase from the State of Arizona contract with Valley Kawasaki at \$133,537.88, including applicable taxes.

- *j. Alma School/Guadalupe Lift Station Rehabilitation. City of Mesa Project No. 02-49.

This project proposes to rehabilitate the lift station located at the northeast corner of Alma School and Guadalupe Roads. This includes replacing the pumps, piping, backup generator, electrical service, station controls, wet well access, and restoring wet well surface coatings.

Recommend award to low bidder, Sturgeon Electric, in the amount of \$336,227.00 plus an additional \$33,622.70 (10% allowance for change orders) for a total award of \$369,849.70.

- *k. Sewer Diversion Structure Rehabilitation, Phase III. City of Mesa Project No. 01-687-001.

This project proposes to rehabilitate three sewer diversion structures that have deteriorated to below acceptable condition. This includes replacing access hatches and ladders, replacing gates, restoring surface coatings and repairing damaged concrete walls and slabs.

Recommend award to low bidder, Bison Contracting, in the amount of \$592,885.00 plus an additional \$59,288.50 (10% allowance for change orders) for a total award of \$652,173.50.

- l. Val Vista Drive Demolition and Wall Construction. City of Mesa Project No. 00-44.2

This project proposes to implement improvements on Val Vista Drive from McKellips to the Freeway. This project will remove walls and trees from the newly acquired right-of-way between McKellips and McDowell to clear the area for utility relocations and forthcoming roadway construction. Additionally, new walls will be constructed at the new right-of-way line to replace those removed during demolition.

Recommend award to low bidder, Baseggio & Company, in the amount of \$242,231.52, plus an additional \$24,223.15 (10% allowance for change orders) for a total award of \$266,454.67.

Mayor Hawker declared a potential conflict of interest relative to this agenda item and refrained from all discussion/action. The Mayor passed the gavel to Vice Mayor Kavanaugh.

It was moved by Councilmember Walters, seconded by Councilmember Thom, that the recommendations of staff be approved. Motion carried unanimously by those voting (6-0 with Mayor Hawker abstaining from the vote).

With action on this item completed, Vice Mayor Kavanaugh returned the gavel to Mayor Hawker.

- *m. Property and liability insurance coverage for the City to be effective from November 22, 2002 through November 21, 2003 as requested by the City Attorney's Office.

The City Attorney's Office recommends purchasing, through the City's broker, Arthur J. Gallagher & Co., the following coverages:

Purchase of property insurance policy from Hartford Fire Insurance Co. for coverage up to \$165,000,000.00 in property damage. The cost is \$222,000.00.

Purchase a liability insurance policy from United National Group for \$7,000,000.00 in liability coverage in excess of a \$3,000,000.00 self-insured retention. The cost is \$175,000.00.

Purchase additional liability insurance from Insurance Co. of the State of PA, for an additional \$10,000,000.00 in excess liability insurance. The cost is \$106,000.00.

5. Introduction of the following ordinances and setting December 2, 2002 as the date of public hearing on these ordinances:

- *a. Amending Title 9, Chapter 6, Section 5 (Subdivision Regulations), pertaining to various text amendments to the Desert Uplands Development Standards.
- *b. Approving staff's recommendation to modify the current ordinance regarding construction start times for the months of May through September from 4:00 A.M. to 5:00 A.M.

6. Consider the following resolutions:

- *a. Extinguishing a drainage easement on Tract K of Moondance Townhomes in the 1800 block of North Power Road – Resolution No. 7921.

A new drainage easement has been approved, making this easement no longer required.
- *b. Extinguishing a portion of a Public Utility Easement on Lot 14 of Steve Modla’s Industrial Park at 1118 South Wilbur – Resolution No. 7922.

This easement is no longer required and conflicts with development on the site.
- *c. Extinguishing a Temporary Drainage Easement on Lot 3 of Superstition Triangle Business Park – Unit 1 at 4554 East Inverness Avenue – Resolution No. 7923.

This temporary easement is no longer required and conflicts with the approved development plans for the property.
- *d. Granting an easement to the United States of America in East Hermosa Vista Drive between Harris Drive and North Gilbert Road – Resolution No. 7924.

This easement is to cover irrigation facilities in the roadway.
- *e. Disposing of a City-owned remnant property in the 1600 block of North Date Street – Resolution No. 7925.

This property is no longer required and will be deeded to adjacent property owners.
- *f. Authorizing the City Manager or his designated representative to execute a Development Agreement for City Share Reimbursement between Brisben Tierra Antigua Limited Partnership, an Ohio Limited Partnership, and the City for the reimbursement of regional offsite improvements that are being required by Mesa in conjunction with the proposed development of an apartment complex known as Tierra Antigua Apartments located at 339 North 75th Street – Resolution No. 7926.
- *g. Approving and authorizing the City Manger to execute an agreement between Falcon Hill Ward Street Lighting Improvement District and the City of Mesa for the operation and maintenance of street lighting facilities – Resolution No. 7927.
- *h. Canvassing, declaring, and adopting the results of the Special Election consolidated with the Statewide General Election held on November 5, 2002 – Resolution No. 7928.

7. Consider the following ordinances:

- *a. Amending Sections 2-4-1, 2-4-2, 2-7-1, 2-7-2, and 2-16-2 of the Mesa City Code pertaining to the Parks and Recreation Board, the Library Advisory Board and the Museum and Cultural Advisory Board regarding requiring Board members to be Mesa residents – Ordinance No. 4025.

- *b. Amending various sections of the Mesa City Code regarding the following traffic modifications – Ordinance No. 4026:
 - * Special Stops Required Mesquite from Mountain Road to Meridian Road.
 - * No Parking 8:00 a.m. to 4:00 p.m. on school days Hackamore Circle from Lindsay Road to a point 184 feet east of Lindsay Road.
- c. Amending Sections 1-12-5 relating to waiver of fees, 1-27-8 relating to Hearing Officers, 6-4-16A relating to vicious dogs, repealing Section 10-7-3 relating to appointment of Hearing Officers, and adding new Section 1-12-8, Mesa City Code relating to the appointment of Civil Traffic Hearing Officers – Ordinance No. 4027.

Councilmember Thom stated that this item was removed from the consent agenda at her request and the purpose of this item is to clarify language contained in the referenced sections. She added that she does want to make a comment at this time relative to “separation of powers” as provided for in the United States Constitution. Councilmember Thom noted that at the current time the City of Mesa has Hearing Officers who review a variety of issues. She added that their findings can be appealed to a higher court but noted that some of the Hearing Officers are appointed by the City Manager while others are appointed by the City Magistrate.

Councilmember Thom stated the opinion that this issue should be the subject of future review and discussion and added that she believes the appointment power should be the sole responsibility of the judicial branch of City government.

It was moved by Vice Mayor Kavanaugh, seconded by Councilmember Griswold, that the recommendations of staff be approved and Ordinance No. 4027 be adopted.

Carried unanimously.

8. Consider the following recommendation from the Transportation Committee:

- *a. Approving staff’s recommendations relative to minimizing the impact of street construction in Mesa, which will include:
 - 1. Legislative changes. Work with other Valley cities to broaden legislation on alternate project delivery methods and allowing local governments more options for contracting.
 - 2. Utilizing alternate contract techniques. For selected project(s), employ incentive/disincentive and/or lane rental on a trial basis.
 - 3. One Party Control. Provides Mesa’s contractor with control over all facets of a street project including relocating outside utilities, on selected projects.
 - 4. Construction Time Frame. Expand allowable construction time from mid-January to mid-November vs. current timeframe of March to October.
 - 5. Barricade coordinators. Add two Barricade Coordinators to help enforce and manage traffic barricading on Mesa’s streets and increase right-of-way permit fees – this item to be revised as part of 03-05 budget process.

9. Moved to Item #5b.

10. Consider the following subdivision plats:

- *a. "VILLAGES OF EASTRIDGE UNIT 6", – (Council District 6) – 2100-2400 blocks of South Signal Butte Road (west side) 109 R1-7 PAD DMP single residence lots (34.59 acres) Crismon & Baseline, L.L.C., owner; CMX Group Inc., engineer.
- *b. "MAP OF DEDICATION FOR AMBERWOOD BUSINESS PLAZA", – (Council District 1) – 800 block of East McKellips Road (north side) Amberwood (Horne/McKellips) Partners, L.L.C., owner; JMA Engineering Corporation, engineer.
- *c. "MAP OF DEDICATION FOR MCKELLIPS MARKETPLACE", – (Council District 5) – 1800 block of North Power Road (east side) Power & McKellips Retail LLC and Woo Enterprises, Inc., owners; Knudsen-Smith Engineering, Inc., engineer.
- *d. "REIDY OFFICE BUILDING CONDOMINIUM I", – (Council District 6) – 4121 East Valley Auto Drive (east side) 17 M-1 PAD office condominium units (2.50 acres) Micon Office Condominiums L.L.C., developer; Brooks, Hersey & Associates, Inc., engineer.

11. Items from citizens present.

There were no items from citizens present.

12. Adjournment.

Without objection, the Regular Council Meeting adjourned at 6:12 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 18th day of November 2002. I further certify that the meeting was duly called and held and that a quorum was present.

BARBARA JONES, CITY CLERK

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