

COUNCIL MINUTES

August 30, 2004

The City Council of the City of Mesa met in a Regular Council Meeting in the Council Chambers, 57 East 1st Street, on August 30, 2004 at 5:47 p.m.

COUNCIL PRESENT

Mayor Keno Hawker
Rex Griswold
Kyle Jones
Tom Rawles
Janie Thom
Claudia Walters
Mike Whalen

COUNCIL ABSENT

None

OFFICERS PRESENT

Mike Hutchinson
Barbara Jones
Debbie Spinner

Invocation by Vice Mayor Walters.

Pledge of Allegiance was led by Ryan Fischer, Boy Scout Troop No. 854.

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 Vice Mayor Walters, 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 June 3, July 12, August 11, August 16 and August 19, 2004 Council meetings.

3. Consider the following liquor license applications:

*a. JOHN E. FLORES, 3rd YEAR TRUSTEE

Special Event License application for John E. Flores, 3rd Year Trustee, Knights of Columbus, Council #9485, a one-day fundraiser event to be held on Saturday, October 30, 2004 from 10:00 a.m. to 3:00 p.m. at All Saints Catholic Church, 1534 N. Recker Road. District #5.

*b. CAMERINO BRISENO LOPEZ, AGENT

New Beer & Wine Store License for Super Carniceria Y Pescaderia Los Alamos, 58 N. Country Club Drive, Suite 3. This is new construction. No previous liquor licenses at this location. District #4.

4. Consider the following Bingo application:

*a. KAMIAR ANDY KHATAMI, OPERATIONS DIRECTOR – CLASS A

Kamiar Andy Khatami, Operations Director (District #5)
Red Mountain Ranch Country Club
6425 E. Teton Circle
Mesa, AZ 85215

5. Consider the following contracts:

*a. 6" coated steel gas pipe as requested by the Utilities Department.

The Purchasing Division recommends accepting the low bid by J.D. Fields & Co., their alternate bid, at \$69,562.50.

*b. One heavy-duty rescue vehicle as requested by the Fire Department. The vehicle is an addition to the fleet.

The Purchasing Division recommends accepting the proposal by Pierce Manufacturing, Inc. at \$541,720.45 including option and applicable sales tax. (Grant Funding; sole responding bidder)

*c. Three-year supply contract for helicopter engine parts and repair as requested by the Police Department.

The Purchasing Division recommends accepting the lowest overall bid by Aero Maritime America Inc. at \$325,000.00 based on estimated annual purchases.

*d. Three-year contract for landscape maintenance services for Sections III, IV and VI for medians and right-of-way areas, as requested by the Transportation Division.

The Purchasing Division recommends accepting the low bids as follows:

Sections III and VI to The Groundskeeper at \$445,305.66; and

Section IV to Mariposa Horticultural Enterprises, Inc. at \$139,964.20. The combined award is then \$585,269.86 based on estimated annual requirements.

- *e. 3-year Supply Contract for Maintenance of Police Vehicles as requested by Fleet Support Services

The Purchasing Division recommends accepting the proposal from Five Star Ford for annual expenditures estimated at \$550,000. (Continued from the August 16, 2004 Council Meeting)

- f. Sunland Village East Pressure Enhancements, City of Mesa Project No. 03-054-001. (Water Bonds)

This project will increase the water pressure within the Sunland Village East subdivision by installing piping and a pressure-reducing valve in order to supply the area of low pressure with water from a higher pressure zone.

Recommend award to low bidder, B & F Contracting, Inc., in the amount of \$117,165.00 plus an additional \$11,716.00 (10% allowance for change orders) for a total award of \$128,881.00.

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 Walters for action on this agenda item.

It was moved by Councilmember Griswold, seconded by Councilmember Jones, that the recommendation of staff be approved.

Upon tabulation of votes, it showed:

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

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

Vice Mayor Walters yielded the gavel back to Mayor Hawker.

6. Introduction of the following ordinances and setting September 7, 2004 as the date of public hearing on this ordinance:

- *a. **Z04-43 (District 6)** Southeast corner of South Power Road and East Pecos Road (105± ac.). Rezone from R1-43 to M-1. This request is to bring zoning into conformance with the Mesa 2025 General Plan. Power Enterprises, Richfield Investment Co., City of Mesa, Rhonda Raper, Patrick & Carolyn Tuffly, owners; Wayne Balmer, Project Manager WGAA, applicant.

- *b. **Z04-52 (District 3)** The 1100 block of West Grove Avenue (north side). Located south and east of Southern Avenue and Alma School Road (3.76± ac.) Modification of a Development Master Plan and Site Plan Review. This request is for the development of two commercial retail buildings. ABV Development Partners, L.L.C. (Paul Klink), owners; RHL Design Group, Inc. (Brent Fike), applicant.
- c. **Z04-53 (District 3)** 134 North Beverly Lane. Located north and east of Main Street and Alma School Road (1.59± ac.). Rezone from C-2, R-2, and R-4 to R-3 PAD and Site Plan Review. This request is for the development of a single-residence development. John L. Holt, owner; Fred E. Woods, applicant.

Wesley Hukriede, 1121 West 2nd Street, addressed the Council and advised that he owned the parcel adjacent to the subject property. Mr. Hukriede expressed opposition to the development due to the fact that the proposed five-foot setbacks could create privacy and fire safety issues on his property.

Planning Director John Wesley advised that the subject proposal is for a Planned Area Development (PAD), and that staff will be prepared to discuss the case at the September 7th meeting.

Mayor Hawker explained that the subject case is being considered for introduction at this meeting, and that a formal discussion could occur at the regular meeting on September 7, 2004. He also requested that staff provide Councilmember Jones with the exact location of the subject property and the property owned by Mr. Hukriede.

It was moved by Councilmember Griswold, seconded by Councilmember Rawles, to approve the introduction of this ordinance and set September 7, 2004 as the date for the public hearing.

Carried unanimously.

- *d. **Z04-55 (District 5)** 3607 East McKellips Road. Located at the southeast corner of Val Vista Drive and McKellips Road (1.15± ac.). Modification of Ordinance #4139. This request is to consider the deletion of existing Condition 9 of the previous zoning case Z03-62, which references the Citrus Sub Area Plan. Ottawa, Inc. (Mike Saager), owner; City of Mesa, applicant.
- *e. **Z04-56 (District 5)** The 9200 to 9300 block of East Main Street (north side). Located east of the northeast corner of Main Street and Ellsworth Road (1.5± ac.) This request is to rezone from Maricopa County C-2 to City of Mesa C-2. W M Grace Development Company, owner; City of Mesa, applicant.
- *f. **Z04-58 (District 6)** The 1300 to 1400 block of North Greenfield Road (east side). Located north and east of Greenfield Road and Brown Road (0.1± ac.). Rezone from C-2 to C-2 PAD and Site Plan Review. This request is to allow individual condominium ownership of commercial buildings. Brown Field Condominium Corporation, owner; Glenwood Development (Jeff Kost), applicant.
- *g. **Z04-59 (District 3)** 525 West Southern Avenue. Located south and west of Southern Avenue and Country Club Drive (1.29± ac.). Rezone from O-S to O-S PAD and Site Plan

Review. This request to allow individual condominium ownership for existing buildings. Joe Porter, owner; William Standage, applicant.

- *h. Pertaining to the zoning ordinance of the Mesa City Code, amending Section 11-17-2 (definition of terms) and Section 11-17-6 (general provisions) correcting the references to the Uniform Building Code and to the Superintendent of Building Inspections and other clerical corrections to reflect current organizational structure and nomenclature.
- *i. Pertaining to the zoning ordinance of the Mesa City Code, amending Section 11-18-3 (construction permits and plan review: Superintendent of Building Inspections) correcting the references to the Building Inspection Division and the Superintendent of Building Inspections and other clerical corrections to reflect current organizational structure and nomenclature.
- *j. Pertaining to the zoning ordinance of the Mesa City Code, amending Section 11-19-8 (general provisions) correcting the references to the Uniform Building Code, Electrical Code, the Superintendent of Building Inspections and other clerical corrections to reflect current organizational structure and nomenclature.
- *k. Amending Chapter 10 of Title 6 of the Mesa City Code relating to public park regulations.
- l. **Deleted.**

7. Consider the following resolutions:

- *a. Granting a Power Distribution Easement to Salt River Project at Desert Well #6 located at 2345 S. Hawes Road – Resolution No. 8304.

This easement is necessary to upgrade the electrical service at this location.
- *b. Vacating the right-of-way for a half cul-de-sac in the 1200 block of South Solomon Street (between Gable Street and Southern Avenue) – Resolution No. 8305.

The right-of-way is no longer required.
- *c. Approving and authorizing the City Manager to execute an agreement between the City of Mesa and the Arizona Department of Public Safety through the Victims of Crime Act for the funding personal services and employee related expenses for the City Prosecutor’s Office. The grant award is in the amount of \$38,006.00 – Resolution No. 8306.
- *d. Approving and authorizing the City Manager to execute an agreement between the City of Mesa and the Arizona Criminal Justice Commission through the Crime Victim Assistance Program for the funding of personal services and employee related expenses for one part-time Victim Notification Clerk in the City Prosecutor’s Office. The grant award is in the amount of \$30,400.00 – Resolution No. 8307.
- *e. Approving and Authorizing the City Manager to execute an agreement between the City of Mesa and the Arizona Department of Public Safety through the Victims of Crime Act

for the funding of personal services and employee related expenses for the City Prosecutor's Office. The grant award is in the amount of \$41,994.00 – Resolution No. 8308.

- f. Approving and authorizing the City Manager to execute a Development Agreement between BV Development, Superstition Springs PFCB, LLC, and the City of Mesa for the development of two restaurants at The Palms At Superstition Springs – Resolution No. 8310.

Councilmember Rawles expressed the opinion that the subject proposal is an inappropriate use of tax rebates due to the fact that the incentive targets a specific business and a specific business location.

Mayor Hawker explained that the proposal offers a \$200,000 tax incentive package to BV Development to develop two full-service, first class restaurants, one of which is a P. F. Chang's China Bistro, in the City of Mesa.

Councilmember Thom stated that the project, located in her district, is proposed to be constructed in the Superstition Springs Mall area. She noted that future development in the Town of Gilbert would challenge Superstition Springs Mall's efforts to retain customers, 50 percent of which reside in Gilbert and other communities such as Coolidge, Florence, Globe, Miami and Springerville. Councilmember Thom advised that other Valley communities were competing for this restaurant development, and she expressed the opinion that the incentive being offered was a wise investment in order to attract additional quality businesses to the area and to retain the clientele of one of Mesa's major retail centers.

Vice Mayor Walters expressed concurrence with the comments of Councilmember Thom. She also clarified that the proposed tax incentive is actually a rebate of sales tax dollars generated by the business rather than an expenditure of General Fund dollars.

It was moved by Councilmember Thom, seconded by Vice Mayor Walters, that Resolution No. 8310 be adopted.

Mayor Hawker expressed concern relative to this type of tax incentive proposal, and he questioned the amount of area development that would be generated by the project. He noted that the types of incentives usually provided by governments relate to infrastructure for new developments. Mayor Hawker also noted that a free market environment normally determines the best business location, and he stated the opinion that offering incentives could result in a business giving less consideration to the location in order to obtain the tax incentives.

Mayor Hawker called for the vote.

Upon tabulation of votes, it showed:

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

Mayor Hawker declared the motion carried by majority vote and Resolution No. 8310 adopted.

8. Consider the following recommendation from the Police Committee:

- *a. Authorizing staff to proceed with a one-year pilot home detention program for the Mesa Municipal Court for evaluation purposes, utilizing the current Chandler contract with General Security Services Corporation, and that a specific finding of necessity be added to the resolution in order to legally comply with enabling legislation.

9. Consider the following ordinance and resolution:

- *a. Establishing the Williams Gateway Airport Fire Protections Utility rate schedules – Ordinance No. 4264 and Resolution No. 8309.

10. Consider the following ordinances:

- *a. Amending Title 9, Chapter 6, Section 7, of the Mesa City Code, relating to modifications of the of the subdivision regulations as recommended by the Transportation Committee – Ordinance No. 4265.

This new procedure creates an equitable alternative to the standard public works improvement requirement typically associated with smaller residential and commercial developments.

- *b. Amending Title 9, Chapter 8, Section 4, of the Mesa City Code, relating to modifications of the of the subdivision regulations as recommended by the Transportation Committee – Ordinance No. 4266.

This new procedure creates an equitable alternative to the standard public works improvement requirement typically associated with smaller residential and commercial developments.

- *c. **A04-05** Annexing the areas east of the northeast corner of East Apache Trail and North Ellsworth Road. (1.5± acres). Initiated by the property owner Mike Pearlstein – Ordinance No. 4267.

11. Consider the following subdivision plat:

- *a. “HERITAGE POINTE”, - (Council District 6) – 500 block of South Higley Road (east side) located south and east of Broadway Road and Higley Road, 66 R1-6 PAD single residence lots (10.30 ac) Monogram Development Services, Inc., an Arizona Corporation, owner; GeoDimensions, Inc. engineer.

12. Items from citizens present.

There were no items from citizens present.

13. Adjournment.

Without objection, the Regular Council Meeting adjourned at 6:10 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 30th day of August 2004. 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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