

COUNCIL MINUTES

September 23, 2002

The City Council of the City of Mesa met in a Regular Council Meeting in the Council Chambers, 57 East 1st Street, on September 23, 2002 at 5:45 p.m.

COUNCIL PRESENT

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

COUNCIL ABSENT

Mike Whalen

OFFICERS PRESENT

Mike Hutchinson
Debbie Spinner
Barbara Jones

(Mayor Hawker excused Councilmember Whalen from the meeting.)

Invocation by Pastor Tony Frazee, Gateway Bible Church.

Pledge of Allegiance was led by Jeff Hunt, Boy Scout Troop # 554, Stapley Junior High School.

Mayor Hawker welcomed everyone to the meeting. A videotape presentation was aired that outlined meeting procedures and provided attendees with instructions relative to addressing the Council.

Mayor Hawker and City Clerk Barbara Jones provided an update regarding the upcoming election.

1. November 5, 2002 Election – General Plan.

Ms. Jones reported that the State's General Election will be conducted on November 5, 2002 and commented on the fact that the City's updated General Plan (Proposition 405) will be on the ballot. She also advised that early voting begins October 3, 2002 and stated that voters who requested an early ballot for the State Primary Election will automatically be sent an early ballot for the General Election. Ms. Jones noted that the voter registration deadline to be eligible to vote in the General Election is October 7, 2002; that the last day to request an early ballot by mail is October 25, 2002, and that the last day to vote early in person is November 1, 2002.

Ms. Jones further commented that to request an early ballot by mail, citizens must contact the Maricopa County Elections Department either by phone, (602) 506-1511, or via the County website at www.recorder.maricopa.gov. She added that citizens may vote in person at 222 East Javelina, Mesa.

2. Mesa Legislative Districts and Candidates.

Mayor Hawker discussed the fact that Legislative and Congressional District boundaries have been redrawn to reflect the 2000 Census. He referred to a map on display that depicted boundary lines for Legislative Districts 17, 18, 19, 21 and 22 within the City limits.

3. Mesa Congressional Districts and Candidates.

Mayor Hawker commented that Arizona now has seven Congressional Districts and referred to a map on display in the Council Chambers that depicted boundary lines for Districts 5 and 6 within the City limits.

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.

(Vice Mayor Kavanaugh clarified that agenda items 7c and 7d have been deleted from the agenda in their entirety and will be reintroduced at a future date.)

It was moved by Vice Mayor Kavanaugh, seconded by Councilmember Walters, that the consent agenda items be approved.

Mayor Hawker declared the motion carried unanimously by those present.

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

Minutes of the September 5, 9 and 13, 2002 Council Meetings were approved.

3. Consider the following liquor license applications.

*a. JOHN A. HUGHES, BOARD MEMBER

Special Event License application for John A. Hughes, Board Member, Mesa Association of Sports for the Disabled (MASD), a one-day event to be held on Saturday, October 5, 2002 from 5:30 p.m. to 10:00 p.m., at 3403 East Main Street, Good Life Resort Activities Center.

*b. SUMINDER S. SODHL, AGENT

New Beer & Wine Store License for AM/PM Mini Market, 25 West McKellips Road. The license previously held at this location by Robert A. Sebolt, Agent, Prestige Stations Inc., will revert back to the State.

*c. DAVID G. CISIEWSKI, AGENT

New Beer & Wine Store License for Quicktrip #433, 414 South Stapley Drive. This is a new business. No license previously held at this location.

*d. DAVID VILLALPANDO-REYES, INDIVIDUAL

New Restaurant License for Su Taquito Mexican Food, 325 West Southern Avenue. This is a new business. No license previously held at this location.

4. Consider the following contracts:

*a. Replacement defibrillator equipment as requested by the Fire Department.

The Purchasing Division recommends accepting the bid by Medtronic Physio-Control Corp. at \$391,747.83 including applicable use tax. **(Sole Source)**

*b. Distributed antenna system as requested by the Communications Division.

The Purchasing Division recommends accepting the proposal by Kaval Wireless Technologies for a total of \$86,264.64.

*c. Two-year renewal of the contract for Domestic Violence Intervention and Shoplifting/Theft Prevention Programs as requested by the City Prosecutor's Office.

The Purchasing Division recommends exercising the two-year renewal option with Justice Services, Inc. Costs for these programs are paid by participating defendants.

*d. East Mesa Library furnishings as requested by the Mesa Public Library.

The Purchasing Division recommends accepting the low bids meeting specification as follows:

Items 1-4 to US Business Interiors at \$20,832.98 including applicable sales tax;

Items 5-13 to Corporate Express at \$21,392.99 including applicable sales tax;

Items 14-18 to Facilitec at \$43,481.59 including applicable sales tax;

Items 19-21 to Goodmans at \$26,421.14 including applicable sales tax;

Items 22 & 23 to Emerling's Office Interiors at \$2,003.10 including applicable sales tax;

Items 24-26 to Concert Business Group at \$17,950.01 including applicable sales tax; and

Item 27 to Commercial Concepts and Furniture at \$1,357.51 including applicable use tax. The combined award is then \$133,439.32.

*e. Two-year supply contract for emergency vehicle equipment (sirens, strobe lights, etc.) as requested by the Communications Division.

The Purchasing Division recommends accepting the low bids as follows:

Items 1, 2, 4, 7, 9, 11-15, 17-28 to Arizona Emergency Products at \$108,577.97 including applicable sales tax;

Item 3 to The Lighthouse, Inc. at \$11,188.35 including applicable sales tax;

Items 5 and 16 to First In, Inc. at \$25,680.13 including applicable sales tax; and

Items 6, 8 and 10 to Adamson Industries Corp. at \$6,017.24 including applicable sales tax. The combined award is then \$151,463.69 based on estimated annual requirements.

- *f. Two-year renewal for the Legal Process Services related to the Photo Safety Enforcement Program.

The Purchasing Division recommends exercising the two-year renewal with AAA Process Services/Arizona Attorney Services at a cost of \$20 per successful summons.

- g. One-year renewal of contract for Temporary Employment Services as requested by the Human Resource Division. This contract provides temporary employees for City departments.

The Purchasing Division recommends exercising the first of three one-year renewal options for each category/group of temporary positions, as follows:

Primary Contracts:

Corporate Job Bank for Group I – recruited and payrolled positions, Group II – payrolled positions and Group III – payrolled positions;

Summit Staffing for Groups II and III – recruited positions, and Group IV – payrolled positions.

In addition, in order to provide for sufficient backup and alternatives, the following alternate contracts are recommended:

Secondary Contracts:

Staffmark as first alternate for Groups I and III – recruited positions, and as second alternate for Group II – recruited positions;

Corporate Job Bank as first alternate for Group II – recruited positions, and as second alternate for Group III – recruited positions;

The total estimated annual expenditures for Groups I, II and III is \$1,200,000. The total estimated annual expenditures for Group IV is \$2,000,000. The combined award is then \$3,200,000 based on estimated annual expenditures.

Marilynn Wennerstrom, 1112 North Center Street, addressed the Council and requested clarification whether, as part of this agenda item, the City has hired two new City Attorneys for the express purpose of defending the City against lawsuits filed by City employees.

In response to Ms. Wennerstrom's concerns, City Manager Mike Hutchinson explained that this item provides for temporary employees throughout the City organization, but primarily in the Parks and Recreation Division. City Attorney Debbie Spinner added that although her department has recently hired one attorney and a legal secretary to join the Litigation Unit, no additional attorneys have been hired relative to this agenda item.

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

Mayor Hawker declared the motion carried unanimously by those present.

*h. Change Order to the Motorola 800 MHz System Contract.

The Council is requested to authorize the City Manager to sign a change order to the contract with Motorola for \$320,000.00 to provide the building, electrical power and site preparation at the south water reclamation plant (Mesa property) radio tower site.

i. Country Life Subdivision Water Line Replacement and Pavement Reconstruction. City of Mesa Project No. 02-06.

This project replaces nearly 8,000 feet of 6-inch waterline and 181 residential water service connections. Additionally, the project will mill and overlay nearly 32,000 square yards of residential street pavement, rehabilitating all of the residential streets in an area of 40th Street between Main and Broadway.

Recommend award to low bidder, Pipkin Construction, in the amount of \$712,940.68 plus an additional \$71,294.07 (10% allowance for change orders) for a total award of \$784,234.75.

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

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

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

Upon tabulation of votes, it showed:

AYES - Griswold-Jones-Kavanaugh-Thom-Walters
ABSTAIN - Hawker
ABSENT - Whalen

Vice Mayor Kavanaugh declared the motion carried by majority vote.

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

- *j. Nine wood poles for use by the Utilities Department.

The Purchasing Division recommends accepting the low bid by North Pacific Lumber Company at \$21,051.36 including applicable sales tax.

5. Introduction of the following ordinances and setting October 7, 2002 as the date of public hearing on these ordinances:

- *a. Deleted.

6. Consider the following resolutions:

- *a. Authorizing the sale of City property to Maricopa County for Higley Road right-of-way – Resolution No. 7907.

The City owns property adjacent to the bridge that has been widened for Queen Creek Wash on Higley Road. Maricopa County needs this area (10,466 sq. ft.) to maintain the southern approach to the bridge.

- *b. Authorizing the City Manager to execute an Intergovernmental Agreement among the Cities of Mesa, Chandler, Glendale and Scottsdale for joint legal representation in the Gila River General Stream Adjudication – Resolution No. 7908.

- *c. Approving and authorizing the City Manager to execute the agreement between the City of Mesa, Apache Junction Water Company and Arizona Water Company to treat and deliver CAP water – Resolution No. 7909.

- *d. Extinguishing a Temporary Drainage Easement in the 1700 block of South Val Vista Drive – Resolution No. 7910.

A new drainage easement has been approved, making the temporary easement no longer required.

- *e. Canvassing, declaring, and adopting the results of the Special Election consolidated with the Statewide Primary Election held on September 10, 2002 – Resolution No. 7911.

7. Consider the following ordinances:

- a. Reducing the speed limit from 35 mph to 30 mph on 1st Avenue from Country Club Drive to Mesa Drive; reducing the speed limit from 50 mph to 45 mph on Ellsworth Road from McDowell Road to Princess Drive, on Higley Road from Brown Road to a point 150 feet north of Thomas Road, on McDowell Road from Power Road to the east City limits, on McKellips Road from 32nd Street to the east City limits, on Power Road from McKellips Road to the north City limits, and on Usery Pass Road from McDowell Road to the north City limits; prohibiting parking on the east side of Pasadena from a point 280 feet south of Southern Avenue to a point 380 feet south of Southern Avenue, on Virginia Street from a point 295 feet west of Greenfield Road to a point 245 feet east of Greenfield Road, on Raffriver Street from Thomas Road to a point 86 feet north of Sierra Morena Street, and on the west side of Olive from Broadway Road to a point 50 feet south of

Broadway Road; and removing McLellan Road between Inca Street and Arboleda from the City Code Section 10-3-17 "Special Stops Required," as recommended by the Transportation Advisory Board – Ordinance No. 4017.

Transportation Director Ron Krosting addressed the Council and provided a brief overview of the proposed Ordinance. He reported that in addition to the speed limit reduction on 1st Avenue between Country Club Drive and Mesa Drive, there will also be the conversion of parallel parking to angle parking and a reduction from two lanes to one lane. Mr. Krosting advised that it is the recommendation of staff, as well as the Transportation Advisory Board (TAB), to conduct the changes on 1st Avenue between Macdonald and Serrine on a trial basis to allow staff to evaluate the modifications and to assess the response of the surrounding business owners and the public in general. He also stated that the proposal is consistent with the Mesa 2025 Transportation Plan and the Downtown Concept Plan, which recommends pedestrian-friendly streets in the Town Center area.

Mr. Krosting noted that the Ordinance also addresses a reduction in the speed limit from 50 to 45 miles per hour primarily in the northeast and southeast areas of the City. He added that increased traffic volumes, as well as higher speed traffic, will eventually be displaced to the Red Mountain Freeway and the San Tan Freeway as it extends further east and south around the City.

Councilmember Walters made the observation that vehicles generally travel somewhat faster than the posted speed limit, and by reducing the speed limit from 50 to 45 miles per hour, for example, the maximum speed limit is ultimately lowered, which tends to range between eight and ten miles higher than the posted speed limit.

Discussion ensued relative to the fact that the City generally posts eight speed limit signs per mile (four in each direction); that the proposed Ordinance would require the replacement of 14 to 15 miles of speed limit signs, and that the cost to the City is estimated at approximately \$12,000.

Mayor Hawker advised that the following citizens submitted cards and voiced opposition to agenda items 7a and 7b but did not wish to speak:

Ronald Lakefield	9640 East Natal Avenue
Albert Edwards	9614 East Lompoc Avenue.

Councilmember Griswold voiced appreciation to Mr. Krosting for his informative presentation. He expressed support for the proposal in view of the fact that the Red Mountain Freeway will be extended to Greenfield Road by October 7th, 2002 and to Higley Road by January 2003.

Councilmember Jones also thanked Mr. Krosting for providing the Council with an overview of this issue and voiced support for the implementation of the proposed section of angle parking along 1st Avenue.

It was moved by Vice Mayor Kavanaugh, seconded by Councilmember Walters, that Ordinance No. 4017 be adopted.

Mayor Hawker declared the motion carried unanimously by those present and Ordinance No. 4017 adopted.

- b. Reducing the speed limit from 50 mph to 45 mph on Ellsworth Road from US 60 to Elliott Road and on Sossaman Road from Guadalupe Road to Elliot Road, as recommended by the Transportation Advisory Board.

Loren Hatch, 8534 East Meseto, addressed the Council and expressed opposition to the proposal. He stated that a reduction in the speed limit on Ellsworth Road is unnecessary due to the rural nature of the area and added that it is also a primary route for motorists traveling from Mesa to Queen Creek.

Councilmember Thom commented that both of the speed limit reductions are located in her district (District 6). She voiced opposition to the proposal and stated that a reduction in the speed limit should occur primarily at the request of citizens who reside in a specific area of concern. Councilmember Thom added that the segments of Ellsworth Road and Sossaman Road which are recommended for the reduced speed limit are rural areas, and that according to staff, there has been a limited occurrence of traffic accidents at these locations. She also thanked Mr. Hatch for his input, as well as the participation of the other citizens who submitted cards relative to this matter.

It was moved by Councilmember Thom not to reduce the speed limit on Ellsworth Road from US 60 to Elliott Road, and on Sossaman Road from Guadalupe Road to Elliott Road, as recommended by the Transportation Advisory Board.

Mayor Hawker clarified that if a motion is not brought forward by a Councilmember this evening, the Council will take no action regarding the matter.

Councilmember Thom withdrew her motion.

Mayor Hawker and Councilmember Jones concurred with Councilmember Thom's comments.

Discussion ensued relative to the fact that Ellsworth Road and Sossaman Road were selected for the reduction in speed limit due to the fact they are two of the remaining roads in the area which still have 50 mile an hour speed limit signs; that paralleling streets such as Crimson Road, Hawes Road and Signal Butte have already been reduced to a speed limit of 45 miles an hour, and that there is commercial development currently underway at Baseline Road and Ellsworth Road, as well as residential development in the vicinity of Guadalupe Road and Ellsworth Road.

Mayor Hawker declared that due to the fact a motion was not made regarding this agenda item, the Ordinance will not be adopted.

*c. Deleted.

*d. Deleted.

7.1. Consider the City Manager's recommendation concerning the appointment of an Interim Fire Chief.

City Manager Mike Hutchinson reported that Fire Chief Dennis Compton has announced his retirement effective October 15, 2002 and that staff is currently conducting a nationwide recruitment to fill the position. He estimated that the successful candidate will commence his/her employment in approximately February or March 2003.

Mr. Hutchinson recommended that Assistant Fire Chief Robert DeLeon be appointed to serve as Interim Fire Chief until such time as a new Fire Chief is recommended and receives Council approval.

Councilmember Walters, as Chairman of the Fire Committee, expressed support for the recommendation and noted that Chief DeLeon is an excellent choice for Interim Fire Chief.

It was moved by Councilmember Walters, seconded by Vice Mayor Kavanaugh, that the recommendation of the City Manager to appoint Assistant Fire Chief Bob DeLeon as the Interim Fire Chief, be approved.

Mayor Hawker declared the motion carried unanimously by those present.

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

- a. **Z02-26** The northwest corner of Brown and Ellsworth Roads (12.17 acres). Site Plan Modification. This case involves the development of a pharmacy. The Gustine Company, owner; Withey, Anderson, & Morris, P.L.C., applicant. **(THIS MATTER IS CONTINUED UNTIL THE OCTOBER 7, 2002 REGULAR COUNCIL MEETING.)**

P&Z Recommendation: Approval with conditions (Vote passed 6-0).

1. Compliance with the basic development as described in the project narrative and as shown on the site plan, preliminary plat and elevations submitted, (without guarantee of lot yield, building count, lot coverage) except as noted below.
2. Pad B shall maintain a minimum one hundred (100) feet building setback from north property line.
3. Construction of 8-foot theme wall and installation of required landscaping along the entire north property line to be completed no later than the development of Pad A (major anchor).
4. Review and approval by the Planning and Zoning Board, Design Review Board and City Council of future development plans.
5. Compliance with all City development codes and regulations.
6. Compliance with all requirements of the Development Services Department (Engineering, Traffic Engineering, Solid Waste and Facilities, etc.).
7. Dedicate the right-of-way required under the Mesa City Code at the time of application for a building permit, at the time of recordation of the

subdivision plat, or at the time of the City's request for dedication, whichever comes first.

8. All street improvements (all Ellsworth Road, all Brown Road, and all Glencove Avenue) to be installed in the first phase of construction.
9. Install new perimeter landscaping per Code and maintain native vegetation per Native Plant Preservation Plan (all Ellsworth frontage, CVS property frontage adjacent to Brown Road, and excluding Glencove Avenue frontage) with the first phase of construction.
10. Compliance with all requirements of the Subdivision Technical Review Committee and Land Split Regulations.
11. Compliance with all requirements of the Design Review Board.
12. All pad buildings to be architecturally compatible with the center.
13. Retention basins to be designed in accordance with requirements of Mesa Zoning Ordinance.
14. Installation of interim landscaping north of the proposed CVS store, subject to review by the Design Review Board.

- *b. **Z02-29** 1600 block of North Center Street (west side) (.7+/- acre). Modification of the ordinance for zoning case Z87-18. Deletion of an Ordinance stipulation. Centerpoint HOA and City of Mesa, owners; Centerpoint HOA c/o Brandy Baughman, applicant – Ordinance No. 4015.

P&Z Recommendation: Approval with conditions (Vote passed 4-0).

1. Compliance with the basic development as shown on the site plan and preliminary plat of zoning case Z87-18.
2. Compliance with the "Centerpoint" recorded plat.
Transfer ownership title of Tract A to the City of Mesa.

- *c. **Z02-30** 361 South Lindsay Road, Suite 3 (2,200 s.f. +/-). Council Use Permit. This request is to seek approval for a pawn shop in a commercial zoning district. Najah Gasso, ASN, Inc., owner; Kay Driver, Two Feathers Pawn and Gun, applicant – Ordinance No. 4016.

P&Z Recommendation: Approval with conditions (Vote passed 4-0).

1. Compliance with the basic development as described in the project narrative and as shown on the site plan, except as noted below.
2. Compliance with all City Codes and regulations, including Chapter 2-7 regarding a Pawn Brokers License.

9. Consider the following subdivision plat:

- *a. "MAP OF DEDICATION FOR EAST LONGBOW PARKWAY, NORTH 56TH ST., NORTH SUNVIEW AND EAST QUARTZ ST." The 2800-3100 blocks of North Higley Road (east side) Dover Associates, L.L.C., owner; Site Consultants, Inc., engineer.

10. Items from citizens present.

There were no items from citizens present.

11. Adjournment.

It was moved by Vice Mayor Kavanaugh, seconded by Councilmember Walters, that the Regular Council Meeting adjourn at 6:24 p.m.

Mayor Hawker declared the motion carried unanimously by those present.

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 23rd day of September 2002. I further certify that the meeting was duly called and held and that a quorum was present.

BARBARA JONES, CITY CLERK

pag