

COUNCIL MINUTES

April 6, 1998

The City Council of the City of Mesa met in a Regular Council Meeting in the upper level meeting room of the Council Chambers, 57 East 1st Street, on April 6, 1998 at 5:45 p.m.

COUNCIL PRESENT

Mayor Wayne Brown
Pat Gilbert
John Giles
Dennis Kavanaugh
Joan Payne
Wayne Pomeroy
Claudia Walters

COUNCIL ABSENT

None

POLICE OFFICER
PRESENT

Marc-Christopher Therre

OFFICERS PRESENT

C.K. Luster
Neal Beets
Barbara Jones

Invocation by Pastor Charles T. Johnson, Calvary Chapel of Mesa.

Pledge of Allegiance was led by Jerry Gunringer and Kenneth Beck of Troop No. 43.

1. Approval of minutes of previous meetings as written.

It was moved by Councilmember Giles, seconded by Councilmember Pomeroy, that the minutes of March 5, 13, 16, 20 and 26, 1998 be approved.

Carried unanimously.

2. 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 in these minutes with an asterisk (*) were approved with one Council action.

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

Carried unanimously.

3. Consider the following liquor license applications.

*a. DONALD W. STRAUCH, PRESIDENT

Special Event License application of Donald W. Strauch, President, for Mesa Sister City Association, a two-day civic event to be held Friday, May 1, 1998, from 6:00 p.m. to 10:00 p.m. and Saturday, May 2, 1998, from 10:00 a.m. to 10:00 p.m., at 0-100 Block of North Macdonald Street.

*b. AHDY R. YOUSSEF, AGENT

New Beer and Wine Store License for Lotus Market, 361 South Lindsay Road. The Beer and Wine Store License previously held at this location by CMH Grocery, Inc., Gary Grenke, Agent, will revert back to the State.

*c. MICHAEL A. LEE, AGENT

New Restaurant License for Garcia's, 1940 East University Drive. The Restaurant License previously held at this location by Famous Mexican Restaurants of Arizona, Michael J. Gragg, Agent, will revert back to the State.

4. Consider the following contracts.

*a. One-year renewal of the annual supply contract for street lighting lamps for warehouse inventory to be used by the Transportation Division.

The Purchasing Division recommends exercising the first of two one-year renewal options as follows:

Items 2-5 and 7-9 to Essco Wholesale at \$34,103.92 plus 7.0% sales tax of \$2,387.27 for a total of \$36,491.19; and

Items 1 & 6 to E. Sam Jones Distributor Inc. at \$4,094.40 plus 6.80% sales tax of \$278.41 for a total of \$4,372.81. The combined award is then \$40,864.00 based on estimated requirements.

*b. One-year renewal of the annual supply contract for PE2406 pipe and fittings for warehouse inventory to be used by the Utility Construction Division.

The Purchasing Division recommends exercising the first of two one-year renewal options with the original low bid by Plexco at \$228,575.03 plus 5% use tax of \$11,428.75 for a total award of \$240,003.78 based on estimated requirements.

*c. Annual supply contract for PE2406 gas valves for warehouse inventory to be used by the Utility Construction Division.

The Purchasing Division recommends accepting the lowest overall bid meeting specification, the alternate bid by Kerotest Mfg. Corp., at \$39,000.00 plus 5% use tax of \$1,950.00 for a total of \$40,950.00 based on estimated requirements.

*d. One-year renewal of the annual supply contract for prepackaged magnesium anodes for warehouse inventory to be used by the Utility Construction Division. These anti-corrosive devices are attached to natural gas lines.

The Purchasing Division recommends exercising the first of two one-year renewal options with the original low bid by Farwest Corrosion Control Company at \$26,407.75 plus 5% use tax of \$1,320.38 for a total award of \$27,728.13 based on estimated requirements.

- *e. One replacement equipment trailer for transportation of backhoes to and from jobsites as requested by the Utility Construction Division.

The Purchasing Division recommends accepting the low bid by Ahart Mfg. Inc. at \$10,168.00 plus 6.80% sales tax of \$691.42 for a total of \$10,859.42.

- *f. Thirty VHF Portable radios for the Police Department as requested by the Communications Division. These radios will be assigned to the Police Academy class recruits who will begin training in July, 1998.

The Purchasing Division recommends authorizing purchase from State of Arizona contract with Motorola Comm. & Electronics Inc. at \$21,046.63 including sales tax and a two-year express service maintenance/repair plan.

- *g. Deleted.

- *h. Annual supply contract for sodium bisulfite as requested by the Utility Operations Division. This product is used to dechlorinate the effluent at the Northwest Wastewater Reclamation Plant as required by EPA regulations.

The Purchasing Division recommends accepting the low bid by Hill Brothers Chemical Company at \$45,310.00 plus 6.80% sales tax of \$3,081.08 for a total of \$48,391.08.

- *i. 6,300 ninety gallon green yard waste recycling containers as requested by the Solid Waste & Facilities Division. This purchase will allow for expansion of the "green barrel" yard waste recycling program.

The Purchasing Division recommends authorizing an additional purchase option from RFB #97014 with the low bid by Rehrig Pacific Company at \$270,522.00 plus 5% use tax of \$13,526.10 for a total of \$284,048.10.

- *j. One replacement dump truck as requested by the Electric Department. This truck will be used for the construction and maintenance of underground conduits and vaults.

The Purchasing Division recommends accepting the bid by I-10 International at \$42,170.26 including extended warranties and applicable sales tax.

- *k. One replacement two-ton cab and chassis as requested by the Street Maintenance Division.

The Purchasing Division recommends accepting the bid by Sands Motor Company at \$38,938.94 including applicable sales tax.

- *1. Traffic signal poles and mast arms for warehouse inventory to be used by the Transportation Division. This equipment is needed for new intersections and to replace existing equipment that is knocked down.

The Purchasing Division recommends accepting the low bids as follows:

Items 1, 7 - 10 and 12 from Union Metal Corp. at \$40,233.00 plus 5% use tax of \$2,011.65 for a total of \$42,244.65;

Items 4 - 6 and 11 from Valmont Ind. Inc. at \$42,610.00 plus 5% use tax of \$2,130.50 for a total of \$44,740.50; and

Items 2 - 3 from Ameron Pole Products at \$10,304.00 plus 6.80% sales tax of \$700.67 for a total of \$11,004.67. The combined award is then \$97,989.82 based on estimated requirements.

- *m. One replacement aerial lift bucket truck used to maintain traffic signal system as requested by the Transportation Division.

The Purchasing Division recommends accepting the low bid meeting specification by Utility Trailer Sales at \$66,421.78 including options and applicable sales tax.

- *n. One replacement four-wheel drive tractor as requested by the Parks and Recreation Division. Retrofit of an existing loader and backhoe as requested by the Street Maintenance Division.

The Purchasing Division recommends accepting the low bids as follows:

Item 1 from Falcon Power at \$43,288.78 plus 6.80% sales tax of \$2,943.64 and an extended warranty for \$715.00, making the total award \$46,947.42.

Item 2 from RDO Equipment Company at \$34,275.24 including 6.80% sales tax. The combined award is then \$81,222.66.

- o. TimeOut community services magazines as requested by the Community Services Department.

The Purchasing Division recommends accepting the bid by Tribune Newspapers at \$83,307.00, including applicable tax and delivery based on estimated requirements.

Bill Brando, 61 South Macdonald, stated the opinion that the City's decision to accept a bid from Tribune Newspapers for the printing of the TimeOut community services magazines, is inappropriate and creates a situation whereby the newspaper is put in the position of 'owing a debt' to the City in return for receiving the bid award. Mr. Brando also stated the opinion that the City of Mesa does not go out to bid for their advertising and recommended that publications such as the Mesa Independent and the Arizona Republic be provided an opportunity to compete for the City's advertising jobs.

In response to a request from Mayor Brown, Purchasing Administrator Sharon Seekins advised that all of the City's advertising needs are subject to an open, public bidding process. Ms. Seekins reported that a total of 9 local and 1 out of state newspapers were invited to submit proposals for the City's advertising.

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

Carried unanimously.

- *p. CAP Canal Sewer Extension Project No. 97-14.

This project involves the installation of a new sewer main along the CAP canal from Ellsworth and Adobe Roads to north of Brown Road.

Recommend award to low bidder, Nesbitt Contracting Company, Inc., in the amount of \$1,933,420.00.

- *q. East McDowell Road and North Gilbert Road Intersection widening Project No. 95-95.

This project involves the widening of the intersection of McDowell and Gilbert Road.

Recommend award to low bidder, Nesbitt Contracting Company, Inc., in the amount of \$409,594.50.

- r. Southeast Water Reclamation Plant Expansion Project No. 96-09.

This project involves the expansion of the existing Southeast Water Reclamation Plant from a current capacity of four (4) million gallons per day to a new capacity of eight (8) million gallons per day.

Recommend award to low bidder, Hunter Contracting Co., in the amount of \$22,286,000.00.

Assistant Utilities Manager Bill Haney provided a brief presentation on the expansion of the Southeast Water Reclamation Plant. Mr. Haney discussed plant growth and capacity levels, flow increases, the fact that the expansion will allow the quality of the effluent to be upgraded, construction schedules and anticipated benefits to be realized as a result of the expansion.

Mayor Brown thanked Mr. Haney for his input.

It was moved by Councilmember Giles, seconded by Councilmember Walters, that the recommendation of staff be approved.

Carried unanimously.

- *s. Southeast Water Reclamation Plant Reclaimed Water Lines Project No. 96-97.

This project involves the installation of underground piping from the Southeast Water Reclamation Plant to the RWCD Canal.

Recommend award to low bidder, Archon, in the amount of \$616,616.16.

- *t. Demolition of 163 South Robson, Site 16.

Recommend award to low bidder, ACR Contracting, in the amount of \$41,153.00.

5. Introduction of the following ordinances and setting April 20, 1998 as the date for the public hearing on these ordinances.

(Note: City Council introduction of ordinances does not necessarily reflect City Council approval of these ordinances. Introduction of ordinances sets in motion the public posting and advertising process for ordinances so that the City Council can hear from concerned citizens at the public hearing.)

- *a. Prohibiting parking on the north side of Hermosa Vista Drive from a point 330 feet east of Snead Drive to a point 534 feet east of Snead Drive, and increasing the speed limit from 40 mph to 45 mph on Alma School Road from Eighth Street to the north City limits as recommended by the Traffic Safety Committee.
- *b. **Z98-1** The 5200 - 5400 blocks of East McKellips Road (south side). Rezone from M-1-DMP to R-3-DMP (25± acres). This case involves the development of a 396 unit apartment complex.
- *c. **Z98-9** Parcel M-3 and Parcel M-2 of "Augusta Ranch". Rezone from R-3-DMP to R1-6-PAD and R-2-DMP to R-3-DMP (24± acres). This case involves development of a 95 unit cluster home project for Parcel M-3 and a density transfer for Parcel M-2.
- *d. **Z98-10** The 8500 through 8700 blocks of East Guadalupe Road (north side). Rezone from R1-7-PAD (Conceptual C-2) to C-2 (14± acres). This case involves the development of a strip commercial center.
- *e. **Z98-14** Parcel 15 of Parkwood Ranch. Rezone from R1-9-DMP (conceptual R-2) to R-2-PAD-DMP (19± acres). This case involves development of a 104 lot, gated patio home project.
- *f. **Z98-15** The southwest corner of Stapley Drive and the Superstition Freeway. Rezone from AG to M-1 and M-1-BIZ (29± acres). This case involves development of an industrial complex with ancillary retail and hotel uses.
- *g. **Z98-16** Part of the 3700 block of East University Drive (north side). Rezone from R1-6 to R1-6-PAD (9± acres). This case involves development of a 54 unit, gated patio home project.

- *h. **Z98-17** The 500 block of South Bellview (west side). Establishment of a Council Use Permit. (.244± acres). This case involves the development of a neighborhood resource center.
- *i. **Z98-18** 8601 East Southern Avenue (south of approved development) Rezone from AG to C-3 (3± acres). This case involves expansion of an approved mini-storage/RV storage facility.
- j. Code Amendment: Pertaining to the zoning ordinance and building regulations of the Mesa City Code, amending Title 11, Chapter 13, Section 2 regarding swimming pool enclosures; and adopting a new Chapter 7 or Title 4.

Luule Brandofino, 61 South Macdonald, recommended that the City require the placement of keyed locks on all doors leading to swimming pool areas in Mesa. Mrs. Brandofino expressed the opinion that requiring parents to lock doors to backyard areas containing swimming pools will decrease incidents of drowning. Mrs. Brandofino stressed the importance of parental responsibility in addressing this safety issue.

Mayor Brown thanked Mrs. Brandofino for her comments.

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

Carried unanimously.

6. Consider the following resolutions.

- *a. Authorizing the City Manager to execute documents to apply for funding for CDBG/HOME/ESG Projects (Community Development Block Grant, HOME Investment Partnership Program, Emergency Shelter Grant) for FY 1998/99 - Resolution No. 7171.
- *b. Authorizing the City Manager to execute an Intergovernmental Agreement with the Maricopa Library District concerning a Reciprocal Borrowing Program - Resolution No. 7172.
- *c. Authorizing the City Manager to execute an agreement between the City of Mesa and the Arizona Governor's Office of Community and Highway Safety providing for the funding for the purchase of two accident investigation measuring systems (AIMS) - Resolution No. 7173.

7. Consider the following ordinances.

- *a. Amending Section 8-3-14 of the Mesa City Code, Solid Waste Permit Application - Ordinance No. 3454.
- b. Relating to City Departments and Officers; amending Title 3, Mesa City Code, by repealing Chapter 10, and amending Sections 3-3-3, 3-9-3, and 1-17-2, Mesa City Code - Ordinance No. 3455.

Marilynn Wennerstrom, 1112 North Center Street, raised several questions relative to the fact that the proposed ordinance would require the City Clerk to report to the City Manager or his designee and stated that the ordinance would conflict with the City Charter.

City Attorney Neal Beets stated the opinion that it is appropriate that the City Clerk's position, as well as all positions appointed by the City Council, report to the City Manager who is the Chief Executive Officer of the City.

Ms. Wennerstrom thanked Mr. Beets for the clarification he provided relative to this agenda item and indicated her support of the proposed ordinance.

It was moved by Councilmember Pomeroy, seconded by Councilmember Giles, that Ordinance No. 3455 be adopted.

Carried unanimously.

8. Deleted.

8.1. Deleted.

*9. Deleted.

10. Consider the following subdivision plats.

- *a. "RIO DEL ORO" - The 2600 block of East McKellips Road (northside) 18 R1-6-PAD manufactured home lots (2.96 acres) James G. & Shirley D. Thoman, developers; Hendrich Associates, Inc., engineer.
- *b. "STONE CANYON AT ALTA MESA" - The 1800 block of North Alta Mesa Drive (east side) 52 R1-6 single residence lots (12.385 acres) Richmond American Homes of Arizona, Inc., developer; Landmark Engineering, Inc., engineer.

11. Adjournment.

It was moved by Councilmember Giles, seconded by Councilmember Pomeroy, that the Regular Council Meeting adjourn at 6:26 p.m.

Carried unanimously.

WAYNE BROWN, MAYOR

ATTEST:

BARBARA JONES, CITY CLERK

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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 6th day of April 1998. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this ____ day of _____ 1998

BARBARA JONES, CITY CLERK