

COUNCIL MINUTES

January 18, 2000

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 January 18, 2000 at 5:45 p.m.

COUNCIL PRESENT

Mayor Wayne Brown
Jim Davidson
John Giles
Keno Hawker
Dennis Kavanaugh
Pat Pomeroy
Bill Jaffa

COUNCIL ABSENT

None

POLICE OFFICER
PRESENT

Marc Therre

OFFICERS PRESENT

C.K. Luster
Neal Beets
Barbara Jones

The Invocation was given by Rabbi Bonnie Koppell, Temple Beth Shalom.

The Pledge of Allegiance was led by Kevin Wiscombe, Porter Elementary School.

Presentation of awards to the Ad Hoc Committee on Ethics

Councilmember Kavanaugh, who served as Chairman of the Mayor's Ad Hoc Committee on Ethics, provided a brief overview of the extensive responsibilities and purpose of the Ethics Committee. Councilmember Kavanaugh noted that the adoption of the proposed Ethics Code will be on the ballot of the upcoming March 14, 2000 Primary Election and introduced and commended all of the members of the Committee for their extensive efforts to develop the Code.

Councilmember Kavanaugh and Mayor Brown presented the members of the Committee with awards in recognition of their accomplishments.

Councilmember Kavanaugh also presented a special recognition awards to City Attorney Neal Beets and commented on the fact that Mr. Beet's provided invaluable assistance to the members of the Committee.

Mayor Brown also presented Councilmember Kavanaugh, as Chairman of the Ad Hoc Committee on Ethics, an award and expressed appreciation on behalf of the entire Council for his participation in this important process.

1. Approval of minutes of previous meetings as written.

It was moved by Vice Mayor Giles, seconded by Councilmember Kavanaugh, that the minutes of December 9, 1999 and January 3, 2000, 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 Vice Mayor Giles, seconded by Councilmember Kavanaugh, that the consent agenda items be approved.

Carried unanimously.

3. Consider the following liquor license applications:

*a. DAVID CISIEWSKI, AGENT

New Beer and Wine Store License for Quik Trip 438, 1733 S. Greenfield Road. This is a vacant lot at this time, no previous liquor license at this location.

*b. PAUL BEER, AGENT

New Beer and Wine Store License for 7-Eleven 26620H, 411 S. Gilbert Road. This is an existing business. The Beer and Wine Store License previously held at this location by Richard Clay Mihlfeld, Etal, 7-Eleven Food Store #26620, will revert back to the State.

*c. MANUEL G. REYES, INDIVIDUAL

New Restaurant License for El Sombrero Mexican Restaurant, 6233 E. Main Street. This is an existing business. The Restaurant license previously held at this location by Luis A. Lopez, Individual, Culichi's Mexican Grill, will revert back to the State.

4. Consider the following contracts:

*a. One replacement triplex mower as requested by the Parks, Recreation & Cultural Division.

The Purchasing Division recommends authorizing an additional purchase option from RFB #1999041 by Simpson Norton Corp. at \$21,050.00 plus 6.70% sales tax of \$1,410.35 for a total of \$22,460.35.

*b. Two replacement golf course green aerifiers as requested by the Parks, Recreation & Cultural Division.

The Purchasing Division recommends accepting the low bid by Simpson Norton Corp. at \$20,600.00 plus 6.7 % sales tax of \$1,380.20 for a total of \$21,980.20.

*c. One new and one replacement roll-off tilt frame refuse truck for the Solid Waste Division.

The Purchasing Division recommends accepting the low bid meeting specification by Sanderson Ford at \$225,572.66 including applicable sales tax and extended warranties.

*d. One new forklift as requested by the Parks, Recreation, & Cultural Division.

The Purchasing Division recommends accepting the low bid by Toyota Lift of Arizona at \$17,173.00 plus 7.10% sales tax of \$1,219.28 for a total of \$18,392.28.

- *e. Nineteen new patrol sedans as requested by the Police Department.

The Purchasing Division recommends authorizing purchase from the State of Arizona contract with Lou Grubb Ford at \$413,301.87 including applicable sales tax.

- *f. Two year supply contract for traffic signal lamps for Materials & Supply Division Warehouse inventory as requested by the Transportation Division.

The Purchasing Division recommends accepting the low bid meeting specification by Duro-Test Corporation at \$38,990.40 plus 5% use tax of \$1,949.52 for a total of \$40,939.92 based on estimated requirements.

- *g. One fingerprint scanning device to process court ordered fingerprints as requested by the Police Department.

The Purchasing Division recommends authorizing purchase from the State of Arizona contract with Sagem Morpho at \$84,940.00 including use tax and one-year maintenance contract.

- *h. Chairs for the new central patrol substation as requested by the Police Department.

The Purchasing Division recommends authorizing purchase from the State of Arizona contract with Sitmatic at 443,886.85 plus 5.0% use tax of \$2,194.34 for a total of \$46,081.19.

- *i. Two-year Supply Contract for Compaq File Servers requested by the Information Services Division. This contract will provide file servers to various City departments as needed to support automation projects and network infrastructure upgrades.

The Purchasing Division recommends awarding the primary contract to MicroAge Technology Services, LLC, the lowest bidder meeting specification, for annual purchases estimated at \$485,730.12. In order to assure continuity of supply, the Purchasing Division also recommends awarding a secondary supply contract to WareForce, Inc. for annual purchases estimated at \$104,158.47. The combined total award, based on estimated annual requirements, is \$589,888.58 including applicable sales tax.

- *j. Deleted.

- k. South Center Complex Duct Bank Installation. City of Mesa Project No. 00-51.1.

This project consists of the construction of a conduit duct bank between Center Street and Mahoney Street to the South Center Complex.

Recommend award to low bidder, Klondyke, Inc., in the amount of \$99,951.00.

Councilmember Hawker indicated that he had a potential conflict of interest in connection with the matter now under discussion which he wanted recorded in the minutes of the meeting, and because

of such conflict of interest, he would refrain from voting upon or otherwise participating in any manner in connection with same.

It was moved by Councilmember Pomeroy, seconded by Councilmember Davidson, that the recommendations of staff be approved.

Upon tabulation of votes, it showed:

AYES - Brown-Davidson-Giles-Jaffa-Kavanaugh-Pomeroy

NAYS - None

ABSTAIN - Hawker

Mayor Brown declared the motion carried unanimously by those voting.

5. Introduction of the following ordinances and setting February 7, 2000 as the date of public hearing on this ordinance:

(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. Relating to public safety and sexually oriented businesses; amending Sections 6-1-16, 6-16-2, 6-16-10, 6-16-15, and 6-16-22 of the Mesa City Code.
- *b. Amending Section 11-14-3 of the Mesa Zoning Ordinance regarding Design Guidelines for signs.
- *c. **Z99-117** South of the southeast corner of Mountain and Williams-Field Roads. Rezone from AG to M-2-AF-CUP (36 acres). This case involves the development of a manufacturing facility.
- *d. **Z99-118** The southeast corner of Power and Elliot Roads. Site Plan Review (1.84 acres). This case involves the development of a Walgreen's store.
- *e. **Z99-119** The southeast corner of McKellips and Greenfield Roads. Rezone from M-2 to C-2 (35 acres). This case involves the development of a Wal-Mart.

6. Consider the following resolutions:

- a. Approving Williams Gateway Airport Authority entering into a lease purchase agreement for certain improvements and equipment use at Williams Gateway Airport – Resolution No. 7460.

Councilmember Jaffa indicated that he had a potential conflict of interest in connection with the matter now under discussion which he wanted recorded in the minutes of the meeting, and because of such conflict of interest, he would refrain from voting upon or otherwise participating in any manner in connection with same.

It was moved by Councilmember Davidson, seconded by Councilmember Pomeroy, that Resolution No. 7460 be adopted.

Upon tabulation of votes, it showed:

AYES - Brown-Davidson-Giles-Hawker-Kavanaugh-Pomeroy
NAYS - None
ABSTAIN - Jaffa

Mayor Brown declared the motion carried unanimously by those voting and Resolution No. 7460 be adopted.

- *b. Determining that portions of East Hermosa Vista Drive from Harris Drive to the east 1,307 feet plus or minus should be improved in accordance with the Scalloped Street Assessment Laws. This project will install pavement, curb and gutter with sidewalks along East Hermosa Vista Drive and the cost for these improvements will be assessed to the adjacent property owners under the Scalloped Street Assessment Laws – Resolution No. 7459.
- c. Authorizing the City Manager to execute an Intergovernmental Agreement between the Maricopa County Department of Transportation and the city of Mesa for roadway improvements to Ellsworth Road from Germann Road to ½ mile north of Elliot Road – Resolution No. 7461.

Councilmember Jaffa indicated that he had a potential conflict of interest in connection with the matter now under discussion which he wanted recorded in the minutes of the meeting, and because of such conflict of interest, he would refrain from voting upon or otherwise participating in any manner in connection with same.

It was moved by Vice Mayor Giles, seconded by Councilmember Kavanaugh, that Resolution No. 7461 be adopted.

Upon tabulation of votes, it showed:

AYES - Brown-Davidson-Giles-Hawker-Kavanaugh-Pomeroy
NAYS - None
ABSTAIN - Jaffa

Mayor Brown declared the motion carried unanimously by those voting and Resolution No. 7461 adopted.

7. Consider the following ordinances:

- *a. Prohibiting parking on the north side of Covina Street from Gilbert Road to a point 1,400 feet west of Gilbert Road as recommended by the Transportation Advisory Board – Ordinance No. 3738.
- *b. Relating to ethics; proposing that the voters approve amendments to the Mesa City Charter; amending Section 206 of the City Charter to clarify when Councilmembers can be disciplined or forfeit their office; amending Section 207 pertaining to fitness for office;

establishing penalties for violations; and submitting these proposed Charter amendments to the voters for their consideration – Ordinance No. 3739.

*c. Deleted.

8. Consider accepting a proposed contract from PricewaterhouseCoopers (PWC) to conduct a market analysis and a financial feasibility analysis for the Mesa Community and Conference Center and the Mesa Amphitheater.

Councilmember Jaffa stated that he requested that this item be removed from the Consent Agenda in order to receive additional information regarding the awarding of contracts and project analyses. Councilmember Jaffa expressed concerns relative to utilizing consultants in areas where staff possesses the expertise to conduct the studies and urged staff to closely monitor this area.

Councilmember Kavanaugh noted that this proposal is to enter into a contract for a marketing analysis and feasibility study for the above listed City facilities and stated the opinion staff's recommendations are appropriate and should be approved. Councilmember Kavanaugh commended staff of their efforts to present this issue to the Council for their consideration. Councilmember Kavanaugh concurred with Councilmember Jaffa's remarks relative to the importance of not over-utilizing consultants but stressed that certain specialized projects require specialized expertise.

Councilmember Pomeroy stated that he supports staff's recommendations.

It was moved by Councilmember Kavanaugh, seconded by Councilmember Pomeroy, that staff's recommendations be approved.

Carried unanimously.

9. Consider the following subdivision plat:

- * a. "LINDSAY CROSSING" – The 500-800 blocks of South Lindsay Road (west side) 137 R1-6 PAD single residence lots (24.34 acres) Maracay Lindsay Crossing, L.L.C., developer; Infinity Engineering Services, Ltd., engineer.

10. Items from citizens present. (Maximum of three speakers for three minutes per speaker).

Kirby Allan addressed the Council and presented an updated status report on his personal testing of the quality of Mesa's water supply. Mr. Allan stated the opinion that the tests indicate a dramatic improvement in the quality of water since he first began testing and questioned why the rapid improvement has occurred. Mr. Allan also spoke in opposition to the addition of fluoride to the City's water supply.

Mayor Brown thanked Mr. Allan for his remarks.

11. Adjournment.

Without objection, the Regular Council Meeting adjourned at 6:17 p.m.

WAYNE BROWN, 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 January 2000. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this ____ day of _____ 2000

BARBARA JONES, CITY CLERK