



# COUNCIL MINUTES

February 19, 2002

The City Council of the City of Mesa met in a Regular Council Meeting in the Council Chambers, 57 East 1st Street, on February 19, 2002 at 5:45 p.m.

## COUNCIL PRESENT

Mayor Keno Hawker  
Jim Davidson  
Bill Jaffa  
Dennis Kavanaugh  
Pat Pomeroy  
Claudia Walters  
Mike Whalen

## COUNCIL ABSENT

None

## OFFICERS PRESENT

Mike Hutchinson  
Debbie Spinner  
Barbara Jones

Invocation by Pastor Byron Copeland, Word of Grace Church.

Pledge of Allegiance was led by Troy Hodges with assistance from Harrison Crum, Tanner Goodman, Coltin White, Chase Roberts, Brian Rheault and Riley Farnsworth, Boy Scout Troop 957.

Mayor Hawker welcomed everyone to the meeting. He explained that the City of Mesa has adopted an Ethics Code and Handbook, which states that Council candidates shall not engage in political campaigning at City meetings or in City buildings. As a result of the policy, Mayor Hawker requested that Council candidates refrain from wearing political items such as buttons, hats, t-shirts or pins during Council meetings. He also encouraged candidates to address the Council if they so desire, but not to identify themselves as Council candidates while at the podium. Mayor Hawker suggested that citizens who wish to distribute informational materials do so before or after the Council meeting so as not to disrupt the proceedings. He added that the Ethics Code and Handbook does not apply to individuals who are present at a Council meeting in support of or in opposition to a proposition.

### 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 Davidson, seconded by Councilmember Kavanaugh, that the consent agenda items be approved.

Carried unanimously.

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

Minutes from the January 17, 24, 28, 29 and 31, 2002 and February 4, 2002 Council meetings.

3. Consider the following liquor license applications:

\*a. BILL MORTON, ADMINISTRATOR

Special Event License application of Bill Morton, Administrator, AZ Wing – Confederate Air Force, a one-day civic event to be held on March 16, 2002 from 4:30 p.m. to 12:00 midnight, at 2017 N. Greenfield Road, Falcon Field Airport.

\*b. NEIL S. PATROS, INDIVIDUAL

New Beer and Wine Store License for Beer World, 1530 N. Country Club Drive #20. This is an existing business. The Beer and Wine Store License previously held at this location by Simon Saif, Agent, SS&RS Inc., will revert back to the State.

\*c. TE YUNG LIOU, AGENT

New Restaurant License for Wang's Restaurant, 6732 E. Broadway Road. This is an existing business. The Restaurant License previously held at this location by Sae Wong, Agent, Wang's Inc., will revert back to the State.

4. Consider the following Bingo application:

- \*a. Trailer Village (Mesa Spirit RV Park) – CLASS A  
Dan Hird, Supervisor  
3020 E. Main Street  
Mesa, AZ 85213

5. Consider the following contracts:

- \*a. One replacement copier as requested by the Transportation Division.  
  
The Purchasing Division recommends authorizing purchase from State of Arizona contract with Minolta Corp c/o at \$14,321.09 including applicable sales tax.
- \*b. Two forensic recovery evidence devices (FRED) as requested by the Police Department.  
  
The Purchasing Division recommends accepting the bid by Digital Intelligence, Inc. at \$13,292.29 including applicable use tax. **(sole source)**
- \*c. Two-year renewal of the supply contract for precast electric vaults for the Electric Department.

The Purchasing Division recommends exercising the two-year renewal option with Oldcastle Precast/Utility Vault at \$280,804.45 based on estimated requirements (single responding bidder).

- \*d. 10,000 smoke detectors as requested by the Fire Department. This is a grant funded purchase.

The Purchasing Division recommends accepting the low bid by Lowes #714 at \$35,100.00 plus 7.8% sales tax of \$2,737.80 for a total of \$37,837.80.

- \*e. Two-year supply contract for tent, table and chair rentals as requested by the Parks and Recreation Division.

The Purchasing Division recommends accepting the lowest overall bid by Arizona Rentals for estimated annual requirements of \$40,000.00.

- \*f. Wastewater Manhole Rehabilitation. City of Mesa Project No. 02-028.

This project will rehabilitate 22 wastewater manholes that have deteriorated to below acceptable condition by repairing damaged concrete walls and removing and replacing corrosion resistant linings that have worn out.

Recommend award to low bidder, K. R. Swerdfeger Construction, Inc., in the amount of \$132,400.00 plus an additional \$13,240.00 (10% allowance for change orders) for a total award of \$145,650.00.

- g. Deleted.

6. Introduction of the following ordinances and setting March 4, 2002 as the date of public hearing on these ordinances:

- \*a. **Z01-55** 1010 S. Stapley Drive. Rezone from OS to OS-PAD and Site Plan Modification (1.8 acres). This case involves development of an office complex.
- \*b. **Z02-01** The 2800-3100 block of North Higley Road (east to Recker Road) and the 3200-3300 block of North Recker Road (west side, south of future freeway right of way). Rezone from AG, M-1 and C-3 to M-1 DMP and C-3 DMP with conceptual M-1- BIZ. (330 acres). This case involves the creation of a Development Master Plan for a business park with industrial, office and commercial uses, and a golf course.

7. Consider the following resolutions:

- \*a. Authorizing the City Manager to execute a Development Agreement between the City of Mesa and Kirksville College of Osteopathic Medicine, Inc., which modifies the subsection line to reflect current ownership of property – Resolution No. 7790.

- \*b. Authorizing the City Manager to execute an agreement between the City of Mesa Police Department and the Maricopa County Sheriff's Office for the salary reimbursement of one officer assigned to the Meth Lab Task Force – Resolution No. 7791.
- c. Granting a Power Distribution Easement to Salt River Project near Recker Road and Queen Creek Road – Resolution No. 7792.

This easement will enable SRP to provide service to this area of the Southeast Valley.

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

It was moved by Councilmember Kavanaugh, seconded by Councilmember Pomeroy, that Resolution No. 7792 be adopted.

Upon tabulation of votes, it showed:

AYES - Hawker-Jaffa-Kavanaugh-Pomeroy-Walters-Whalen  
NAYS - None  
ABSTAIN - Davidson

Mayor Hawker declared the motion carried unanimously by those voting and Resolution No. 7792 adopted.

- d. Approving and authorizing the City Manager to execute a Cooperative Agreement among Maricopa County, City of Chandler, Town of Gilbert, Town of Queen Creek and the City of Mesa for the purpose of developing a master plan for the future development of San Tan Mountain Regional Park in Pinal County – Resolution No. 7793.

Grants Coordinator Jerry Dillehay addressed the Council regarding this agenda item and referred to the *Cooperative Agreement Between Maricopa County, the Cities of Chandler and Mesa and the Towns of Gilbert and Queen Creek for the Development of a Master Plan for the San Tan Mountain Regional Park (Agreement)* that was provided to the Councilmembers. Mr. Dillehay also referred to a map displayed in the Council Chambers that depicted the area encompassing the San Tan Mountain Regional Park and noted that the entire 11,000-acre park is within Pinal County. He identified the location of the park entrance and noted that the majority of the park is undeveloped at this time. Mr. Dillehay also commented on the fact that it is not unusual for Maricopa County to participate in the development of regional parks that are outside of Maricopa County jurisdiction.

Mr. Dillehay commented on the proposed Agreement and outlined the contribution amounts of the various governmental entities, including \$40,000 each from the City of Mesa, Town of Gilbert and Town of Queen Creek, \$25,000 from the City of Chandler and \$150,000 from Maricopa County. He said that the Agreement provides for the establishment of an oversight committee, with representation from each of the participating governmental entities, which will select a consultant to work with on a master plan for the future development of the park.

Mayor Hawker discussed the City's efforts to provide significant open space and recreational opportunities for the benefit of residents. He noted that the Tonto National Forest and Utery Mountain Park provide recreational opportunities along Mesa's northern border and that the

development of the San Tan Mountain Park will provides opportunities for residents in the southern area of the City. Mayor Hawker stated approval of the representation on the oversight committee and the fact that although Maricopa County is contributing slightly more than 50% of the funding under this Agreement, the County will not have a majority vote on the committee. He also commented on the public comment process that will occur in connection with development of a master plan. Mayor Hawker voiced appreciation to Vice Mayor Davidson and Councilmember Jaffa for their efforts in this matter.

Vice Mayor Davidson commented on illegal dumping and other damage that has occurred on parklands and stated the opinion that it is important to gain control of this park as soon as possible.

Councilmember Jaffa voiced the opinion that the development of a master plan is a critical step in the process of developing the San Tan Mountain Regional Park. He also commented on the possibility of partnering with Apache Junction in the future in connection with the development of a regional park.

In response to a question from Councilmember Jaffa concerning State Trust land located near the General Motors area that the City has expressed an interest in for the future development of a City park, Assistant City Manager Paul Wenbert advised that this parcel is still available for purchase by the City when funding is available.

It was moved by Vice Mayor Davidson, seconded by Councilmember Kavanaugh, that Resolution No. 7793 be adopted.

Carried unanimously.

8. Consider the following ordinances:

- \*a. Prohibiting parking on Mountain Road from Adobe Road to a point 440 feet south of Adobe Road, and on Pueblo Avenue from Lindsay Road to a point 275 feet east of Lindsay Road; and including Ivy Street from Greenfield Road to 48<sup>th</sup> Street in Section 10-3-17 of the Mesa City Code, "Special Stops Required," as recommended by the Transportation Advisory Board – Ordinance No. 3970.
- \*b. **Z01-72** The 500 block of South Higley (east side). Rezone from C-2 to C-2-PAD (2.8 ac). This case involves development of medical office buildings. The Downing Group, owner; applicant, Craig Meyer – Ordinance No. 3971.

P&Z Recommendation: Approval with conditions. (vote 7-0)

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. Compliance with all City development codes and regulations.
3. Compliance with all requirements of the Development Services Department (Engineering, Traffic Engineering, Solid Waste and Facilities, etc.).

4. 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.
5. All street improvements and perimeter landscaping to be installed in the first phase of construction.
6. Recordation of vehicular cross-access easement between the subject parcel (141-52-014Z) and parcels 141-52-014X and 141-52-014Y.
7. Compliance with all requirements of the Design Review Board with special attention paid to building square footage, screen walls and entrance planters.
8. Full compliance with all current Code requirements, unless modified through appropriate review and approval of the variance(s) outlined in the staff report.
9. Review and approval of a Special Use Permit by the Board of Adjustment for a comprehensive sign plan.
10. Retention basins to be 6:1 slope maximum when adjacent to streets and pedestrian ways.

9. Consider the following recommendations from the Transportation Committee.

- a. Approve reducing the number of daily trips to and from the Boeing facility to 12 per day.

Vice Mayor Davidson, as Chairman of the Transportation Committee, provided a brief overview concerning this agenda item.

Raymond Gurnee, 1159 N. Miramar, addressed the Council and stated that he is employed at Boeing as an electrical engineer but added that he is speaking as a citizen and not on behalf of Boeing. He voiced opposition to staff's method of computing the reported cost savings associated with the proposed Route 136 bus service reductions. He stated the opinion that staff did not include the costs associated with the additional mileage to turn the bus around during the trips that do not go to the Boeing facility. He outlined his computation of the costs not taken into consideration and said that based on his calculations, the proposed reductions to Route 136 would result in an annual savings of \$22,365. He also stated the opinion that the proposed cuts are not consistent with the Federal Transit Administration's strategic plan to improve mobility and access for low-income people.

In response to a request from Mayor Hawker, Transit Coordinator Christine Stava referred to a map on display in the Council Chambers that depicted Route 136 and outlined the portion of the route that goes to the Boeing facility and the portion of the route utilized when the bus does not go to the Boeing facility.

Ms. Stava commented on the method used by staff to calculate the savings associated with the proposed service cuts and said that other cost factors not included in the cost-per-mile calculations offset the cost of turning the bus around. She added that staff estimates that the net annual savings associated with the proposed service cuts will be \$48,000.

Mayor Hawker commented on the fact that next year's transit budget will require additional route prioritization and City-wide service cuts due to the elimination of Local Transportation

Assistance Funds (LTAFII) funding and other transit funding cutbacks and the fact that the reduction of daily trips to Boeing offers an opportunity to increase trip ridership.

In response to questions from Councilmember Kavanaugh, Ms. Stava outlined the various sources of funding for transit operations in the City and the funding reductions anticipated in connection with the fiscal year (FY) 2002/03 transit budget. She stated that the FY 2001/02 transit budget was approximately \$10 million and the shortfall projected for FY 2002/03 is \$1.3 million.

Discussion ensued regarding the various funding sources that are being eliminated or reduced, including LTAFII, Regional Public Transportation Authority, City of Tempe subsidy, Quality of Life sales tax revenue and City of Mesa general funds.

Vice Mayor Davidson provided a brief overview of the process leading to the proposed Route 136 service reduction and the City's efforts to compromise and provide some level of service to the Boeing facility. He stated the opinion that the proposed reduced level of service is a more favorable alternative than the complete elimination of bus service to the Boeing facility.

It was moved by Vice Mayor Davidson, seconded by Councilmember Pomeroy, that the Transportation Committee's recommendation reducing the number of daily bus trips to and from the Boeing facility to 12 per day, be approved.

Councilmember Walters commented on the projected \$1.3 million transit budget shortfall and also on the reduction of bus service in west Mesa resulting from the elimination of service funded by the City of Tempe. She voiced appreciation to Mr. Gurnee for his concerns and efforts relative to this matter and said that cutting bus service is not an easy decision. She noted that because the bus service to Boeing was eliminated in connection with the FY 2001/02 budget, the cost of continued service to Boeing must be recouped in some other manner.

Councilmember Whalen stated reluctant support for the motion and voiced concerns regarding the impacts to Boeing employees who have no other means of transportation. He said that although he realizes the proposed service cuts rather than elimination are a necessary compromise, he is philosophically opposed to cutting services for workers who can least afford it. He urged Boeing to take steps to increase bus ridership in the future.

Councilmember Pomeroy said that although he supports the motion, the decision to reduce bus service has been a difficult one. He noted that the compromise reached in this case represents a reasonable solution to necessary budget cutbacks.

Councilmember Jaffa spoke in support of further communication with Boeing concerning this issue and for exploring alternative funding sources to provide bus service to Boeing and other employers in this area of the City.

Carried unanimously.

- b. Approve staff's recommendations to fund bus service along Southern Avenue.

Ms. Stava addressed the Council and referred to a map on display in the Council Chambers that depicted bus routes in the southern portion of Mesa. She identified Route 61 along Southern Avenue, including the portion that is funded by Tempe from the Mesa/Tempe border to

Westwood. She explained that although staff intended to include funding for this portion of Route 61 in the current budget, it was inadvertently omitted. She also noted that the extension of Route 61 through Mesa to the Superstition Springs Mall was voter approved as a Quality of Life sales tax issue.

Ms. Stava further explained that although the City of Tempe has provided the bus service outlined in Tables I and II (See Attachment) at no cost to Mesa, due to budget constraints, Tempe has indicated that this service can no longer be provided without funding from Mesa. She stated that although staff recommends the continuation of the portion of Route 61 from the Tempe/Mesa border to Westwood (Table I), the remaining services (Table II) are not recommended for continuation. She commented on Route 77 (Baseline Road) and reported that the annual cost to operate this route would be \$246,000 and that because of transit funding cuts and resultant service cuts that must be made in connection with next year's budget, Route 77 is not recommended for continuation. She added that the remaining services outlined in Table II are not recommended for continuation because they exceed Mesa's standard service levels.

Discussion ensued regarding the fact that the cost of funding the portion of Route 61 outlined in Table I for the remainder of FY 2001/02 is \$12,325; that the annual cost of funding this portion of Route 61 is \$52,584; that the annual cost of funding all bus services in Mesa currently funded by Tempe is \$655,000; and that the majority of services funded by Tempe exceed Mesa's standard service levels, including 15 minute peak trips, late night service and Sunday service.

Councilmember Kavanaugh expressed concern and disappointment regarding the proposed service cutbacks and the fact that all of the proposed service cuts are within District 3. He noted that this area of Mesa contains a significant amount of elderly residents and residents living in multi-family housing who rely on bus service. He commented on the high ridership of Route 77 and the numerous destination points served by this route, including Fiesta Mall, Desert Samaritan Hospital, Mesa Community College and the East Valley Institute of Technology. Councilmember Kavanaugh stated support for funding Route 61 as recommended by the Transportation Committee and also indicated support for the continuation of Route 77. He said that he hopes that bus service cutbacks will result in increased public support for mass transit and future voter approval of a mass transit plan.

Discussion ensued regarding alternate routes available for riders of Route 77 and the fact that Mesa does not have a Baseline Road route.

It was moved by Vice Mayor Davidson, seconded by Councilmember Kavanaugh, that the Transportation Committee's recommendation to approve funding for Route 61 as outlined in Table I, be approved, and also that funding for the continuation of Route 77 (Baseline Road), at Mesa's standard service level, be approved.

In response to a question from Mayor Hawker regarding a prioritization analysis of Mesa bus routes, Ms. Stava stated that staff has not recently conducted a City-wide prioritization of bus routes, but plans to do so in connection with the FY 2002/03 budget process.

Mayor Hawker stated opposition to the motion and stated support for prioritizing all of Mesa's bus routes prior to further consideration of funding Route 77.

Councilmember Walters stated opposition to the motion and said that although she has concerns regarding the possibility that Route 77 may be identified as a priority route after being discontinued, which would then necessitate rebuilding the route ridership, she also has significant concerns regarding the addition of another route in a transit budget that already faces significant cutbacks.

Councilmember Pomeroy also voiced opposition to the motion and stated support for conducting a prioritization of all Mesa routes prior to the consideration of funding Route 77.

Councilmember Whalen voiced the opinion that bus transit is a regional issue and stated support for conducting a joint meeting with the Tempe City Council concerning this issue. He stated opposition to the motion and concurred with Councilmember Pomeroy's comments.

Further discussion ensued regarding the alternative routes available for riders of Route 77, and the range of time delays associated with bus transfers.

Councilmember Jaffa requested additional information from staff concerning the delays and inconvenience riders will encounter in connection with using Route 77 alternatives. He said that although he does not support funding Route 77 at this time, he does support reconsideration of this issue in the near future when additional information is made available to the Council.

In response to questions from Mayor Hawker concerning the timeframes associated with this issue, Ms. Stava advised that staff's prioritization of Mesa bus routes can be completed within approximately two weeks and that Tempe plans to discontinue service for unfunded routes on April 1, 2002. Ms. Stava added that a certain amount of lead-time is necessary to adequately inform the public of any route changes.

Upon tabulation of votes it showed:

AYES - Davidson-Kavanaugh  
NAYS - Hawker-Jaffa-Pomeroy-Walters-Whalen

Mayor Hawker declared the motion failed.

It was moved by Councilmember Pomeroy, seconded by Councilmember Kavanaugh, that the Transportation Committee's recommendation to fund Route 61 as set forth in Table I, be approved.

Councilmember Walters directed staff to return to the Council within one month with a prioritization of all bus routes in Mesa.

Vice Mayor Davidson stated support for the motion and reiterated his support for the continuation of Route 77.

Councilmember Kavanaugh concurred with Vice Mayor Davidson's comments and stated support for the motion.

Carried unanimously.

\*10 Consider approving a 13-month contract for natural gas supply for the City of Mesa with Coral Energy Resources, L.P.

11. Election issues.

Mayor Hawker provided a brief overview of the March 12, 2002 Mesa Primary Election. He referred to maps on display in the Council Chambers and said that voters in Districts 4, 5 and 6 will cast ballots for Councilmembers in those districts. He stated that the candidates in District 4 are Jack Hannon and Kyle Jones, and that Ilias Kostopoulos has filed as a write-in candidate in that district. Mayor Hawker said that the candidates in District 5 are Barbara Carpenter, Rex Griswold and Bill Jaffa, and added that Janie Thom is running unopposed in District 6.

Mayor Hawker outlined the qualifications for candidacy and explained that any qualified individual wishing to run as a write-in candidate must file a nomination paper in the City Clerk's Office no later than 5:00 p.m. on February 26, 2002.

Mayor Hawker encouraged the citizens in Districts 4, 5 and 6 to contact the candidates, become informed regarding the issues and cast educated votes on March 12, 2002.

12. Items from citizens present.

Marlin Covert, 1467 N. 62<sup>nd</sup> Street, addressed the Council concerning agenda item 5d (10,000 smoke detectors as requested by the Fire Department) and said that he is now retired from a 37-year career in the fire detection equipment business. Mr. Covert stated concerns regarding the effectiveness of ionization smoke detectors and he commented on lawsuits resulting from their use. He also commented on numerous articles and news videotapes in his possession concerning the ineffectiveness of this type of smoke detector. He urged the Council to reconsider the purchase of ionization smoke detectors and consider purchasing "photo electric" smoke detectors instead.

Mayor Hawker advised Mr. Covert that any materials concerning this issue that he would like to provide to staff would be forwarded to the Mesa Fire Department. Mayor Hawker also commented on the City's open bidding process.

13. Adjournment.

It was moved by Vice Mayor Davidson, seconded by Councilmember Kavanaugh, that the Regular Council Meeting adjourn at 7:16 p.m.

Carried unanimously.

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KENO HAWKER, MAYOR

ATTEST:

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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 19<sup>th</sup> day of February 2002. I further certify that the meeting was duly called and held and that a quorum was present.

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BARBARA JONES, CITY CLERK

Attachment  
pjt