

COUNCIL MINUTES

March 17, 2003

The City Council of the City of Mesa met in a Regular Council Meeting in the Council Chambers, 57 East 1st Street, on March 17, 2003 at 5:45 p.m.

COUNCIL PRESENT

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

COUNCIL ABSENT

None

STAFF PRESENT

Paul Wenbert
Joe Padilla
Barbara Jones

Invocation by Reverend L. J. White, North Center Street Missionary Baptist Church.

Pledge of Allegiance was led by Vice Mayor Kavanaugh.

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

Carried unanimously.

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

Minutes from the March 3, 2003 City Council Meeting.

*2.1 Consider the findings and recommendation of the Judicial Advisory Board to reappoint Magistrate Norine Richardson for a four-year term beginning July 1, 2003 and ending June 30, 2007.

*2.2. Consider the findings and recommendation of the Judicial Advisory Board to reappoint Magistrate Karl Eppich for a two-year term beginning July 1, 2003 and ending July 30, 2005.

Mayor Hawker invited Magistrates Norine Richardson and Karl Eppich to come forward and be recognized by the Council for their reappointments to the Mesa City Court.

Presiding City Magistrate Walter Switzer informed the Council that Magistrate Eppich and his wife are in Guatemala where they are in the process of adopting a child.

Mayor Hawker congratulated Magistrate Richardson on her reappointment.

Magistrate Richardson thanked Mayor Hawker and the members of the Council for acknowledging her and stated that she will continue to serve the City of Mesa to the best of her ability.

3. Consider the following liquor license applications:

*a. DENISE TAMMINEN, COMMITTEE MEMBER

Special Event License application of Denise Tamminen, School Principal, St. Anne Little Flower Montessori School, a one-day religious event to be held Saturday, April 12, 2003, from 6:00 p.m. to 12:00 Midnight, at 2017 North Greenfield Road, Falcon Field Airport.

*b. CONNIE JEAN WALKER, PRESIDENT

Special Event License application of Connie Jean Walker, Women's Council of Realtors, a one-day charitable event to be held Saturday, April 12, 2003, from 6:00 p.m. to 11:00 p.m., at 7900 East Eagle Crest Drive, Las Sendas Clubhouse.

*c. JASKARAN SINGH GILL, ETAL

New Beer and Wine Store License for Arco AM PM, 363 South Gilbert Road. This is an existing business. The Beer and Wine Store License previously held at this location by Kevin Ashton, Agent, Arizona Gas Stations LLC, will revert back to the State.

*d. JASKARAN SINGH GILL, ETAL

New Beer and Wine Store License for Arco AM PM, 320 East Baseline Road. This is an existing business. The Beer and Wine Store License previously held at this location by Kevin Ashton, Agent, Arizona Gas Stations LLC, will revert back to the State.

*e. H. J. LEWKOWITZ, AGENT

New Restaurant License for Copper Peak Bar & Grill, 1860 South Stapley Drive. This is a new building currently under construction. No previous liquor licenses at this location.

f. RANDY D. NATIONS, AGENT

New Restaurant License for Outback Steakhouse, 1830 East McKellips Road. This is a new building currently under construction. No previous liquor licenses at this location.

Councilmember Griswold declared a potential conflict of interest and said he would refrain from discussion/participation in this agenda item.

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

Upon tabulation of votes, it showed:

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

Mayor Hawker declared the motion carried unanimously by those voting.

*g. RUTHY A. CISNEROS, AGENT

New Restaurant License for Storyteller, 2655 West Guadalupe Road, #17. This is an existing business. The Restaurant License previously held at this location by Ronald D. Lancaster, Agent, Storyteller Café, LLC, will revert back to the State.

4. Consider the following contracts:

- *a. Three-year supply contract for street light lamps, luminaries and components for warehouse inventory to be used by Transportation.

The Purchasing Division recommends accepting the low bids as follows:

Group A to Voss Lighting at \$42,031.14,
Groups B, F, G and H to Graybar Electric at \$19,705.33,
Groups C, D and I to WESCO Distribution at \$43,933.82; and
Group E to Arizona Electric Supply at \$4,646.50.

The combined award is then \$110,316.79 based on estimated annual requirements.

- *b. Two-year renewal of the contract for furnishing rental uniforms and laundry service for various City employees.

The Purchasing Division recommends exercising the second and final two-year renewal with the original lowest priced proposal by Prudential Overall Supply for annual expenditures estimated at \$105,000.00, including applicable sales tax.

- *c. One-year supply of utility bill envelopes for the new CIS Utility system as requested by the Printing & Graphics Services Division.

The Purchasing Division recommends accepting the low bid by Mail-Well at \$32,365.14 including applicable sales tax.

- *d. 19 employee workstations for Transportation as requested by Development Services.

The Purchasing Division recommends authorizing purchase from the State of Arizona contract with Goodman's at \$94,225.06.

- e. Falcon Field Airport Guidance Signs and Electrical Improvements, and Pavement Preservation and Markings. City of Mesa Project No. 02-17.

This project proposes to replace and upgrade runway and taxiway guidance signs, airfield lighting, lighting, and guide sign controls. It will expand and upgrade the electrical control vault building, as well as re-pave and re-stripe the apron. It will also replace tie-down anchors in the terminal/tower area.

Recommend award to low bidder, Rural Electric, Inc., in the amount of \$452,003.50 plus an additional \$45,200.35 (10% allowance for change orders) for a total award of \$497,203.85.

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 Kavanaugh for action on this agenda item.

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

Upon tabulation of votes, it showed:

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

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

Vice Mayor Kavanaugh yielded the gavel back to Mayor Hawker.

5. Introduction of the following ordinances and setting April 7, 2003 as the date of public hearing on these ordinances:

- *a. Amending Section 10-3-24 of the Mesa City Code regarding the following traffic modifications:

- * Prohibiting parking between the hours of 8:00 a.m. to 4:00 p.m. on school days at the following locations:

On the Brown Road frontage road from 25th Street to a point 251 feet west of Gaylord and from a point 92 feet east of 24th Street to a point 145 feet west of 24th Street.

On the west side of 24th Street from the Brown Road frontage road to a point 95 feet north of the Brown Road frontage road.

- *b. **Z03-06** 804 North Country Club Drive (1.26± acres) Rezone from R-4 to C-2. This case involves the development of retail shops and car wash. Edward Pole, owner; Raad Salih, applicant.
- *c. **Z03-07** The 8800 and 8900 blocks of East Guadalupe Road, south side (16.68 ± acres) Rezone from R-3 to R-4. This case involves the development of an apartment complex. Ruiz Engineering Corporation, owner; Sean Lake, Pew and Lake, PLC, applicant.
- *d. **Z03-08** The southeast corner of Southern Avenue and Ellsworth Road (1.89± acres). Site Plan Modification. This case involves the development of an Eckerd's Pharmacy. Unicorp International, owner; Don Andrews, applicant.
- *e. **Z03-09** The northeast corner of Thomas Road and Rafriver Street (1.2± acres). Site Plan Modification. This case involves the development of a bakery and restaurant. Dan Janssen, owner; Basilio Coragides, applicant.
- *f. **Z03-11** The southwest corner of Southern Avenue and South Longmore (11.5± acres). Rezone from C-2 to C-2 BIZ. This case involves the development of a Target. Target Corporation, owner; Charles Nixon, Val-Tec, Incorporated, applicant.
- g. Relating to signs; amending Section 11-19-5 of the Mesa City Code, definition of terms for window sign area.

Mayor Hawker stated that this item was removed from the consent agenda at the request of Councilmember Thom.

Court Rich, an attorney representing Edward Salib, the owner of the Winchell's Donut House located at 405 West Main Street, addressed the Council and voiced a series of concerns relative to this item. He stated that the proposed amendment to the Sign Ordinance does not alleviate Constitutional issues relative to the current law; that the new ordinance will not allow Mr. Salib to make the most effective use of the advertising space provided by the windows within his store, and that Mr. Salib does not intend to drop his lawsuit against the City of Mesa based on the proposed Sign Ordinance amendment.

Councilmember Thom commented that she has reviewed the draft amendment and noted that although the document is somewhat more "business friendly" than the current law, it is still her contention that the City of Mesa should not be allowed to regulate window advertising signs that are displayed on the inside of a business owner's establishment. She also stated that she has received several complaints from business owners outside the Town Center area who are not allowed to use A-frame signs in front of their businesses as a form of advertisement, and yet merchants in the downtown area are permitted to do so. Councilmember Thom added that she is disappointed that the amendment to the Sign Ordinance does not address the issue.

It was moved by Vice Mayor Kavanaugh, seconded by Councilmember Whalen, to approve the introduction of agenda item 5g and to set April 7, 2003 as the date of public hearing on the matter.

Carried unanimously.

6. Consider the following resolutions:

- *a. Authorizing the City Manager to execute a Development Agreement for City Share Reimbursement between The Newport Group 25, LLC, an Arizona Limited Partnership, and the City for the reimbursement of regional offsite improvements that are being required by Mesa in conjunction with the proposed development of a subdivision known as Hawes Manor, located on the southeast corner of Hawes Road and Pueblo Avenue – Resolution No. 7975.
- *b. Extinguishing a Public Utilities and Facilities Easement at Hawes Manor at South Hawes Road and East Emelita Avenue – Resolution No. 7976.

This easement is no longer required and conflicts with the approved plat.
- *c. Extinguishing a portion of a Public Utility Easement at 953 West Meseto Avenue.

This portion of the easement is no longer required – Resolution No. 7977.
- *d. Extinguishing a portion of a Public Utilities and Facilities Easement at 6015 East Brown Road – Resolution No. 7978.

This portion of the easement is no longer required and conflicts with the approved development plans.
- *e. Authorizing the City Manager to execute two Grant Agreements between the City of Phoenix and the City of Mesa for the receipt of FTA grant funds – Resolution No. 7981.
- f. Authorizing the City Manager to execute an Intergovernmental Agreement between Mesa Unified School District and the City of Mesa for joint maintenance of facilities at Brimhall Junior High School – Resolution No. 7982.

Councilmember Walters declared a potential conflict of interest and said she would refrain from discussion/participation in this agenda item.

It was moved by Councilmember Jones, seconded by Councilmember Griswold, that Resolution No. 7982 be adopted.

Upon tabulation of votes, it showed:

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

Mayor Hawker declared the motion carried unanimously by those voting and Resolution No. 7982 adopted.

- *g. Deleted.
- *h. Granting the sale of City property at the southeast corner of Queen Creek and Higley Road, known as Langley Ranch, as recommended by the Utility Committee – Resolution No. 7979.
- *i. Granting the sale of City property at 1959 East Main Street – Resolution No. 7980.

7. Consider the following ordinances:

- a. Amending Ordinance No. 4020, the nonexclusive cable television license of CableAmerica Corporation – Ordinance No. 4051.

Councilmember Walters declared a potential conflict of interest on items 7a and 7b and said that she would refrain from discussion/participation in these agenda items.

It was moved by Vice Mayor Kavanaugh, seconded by Councilmember Griswold, that Ordinance No. 4051 be adopted.

Upon tabulation of votes, it showed:

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

Mayor Hawker declared the motion carried unanimously by those voting and Ordinance No. 4051 adopted.

- b. Amending Ordinance No. 4021, the nonexclusive cable television license of Cox Cable Phoenix, Inc. – Ordinance No. 4052.

It was moved by Vice Mayor Kavanaugh, seconded by Councilmember Griswold, that Ordinance No. 4052 be adopted.

Upon tabulation of votes, it showed:

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

Mayor Hawker declared the motion carried unanimously by those voting and Ordinance No. 4052 adopted.

8. Consider the following subdivision plats:

- *a. "REPLAT OF SAN MONTEGO, A CONDOMINIUM DEVELOPMENT," – (Council District 6) – 6700 block of East Superstition Springs Boulevard (west side) 1 R-3 PAD DMP condominium lot (14.12 acres) Dreilaender Beteiligung Objekt-DLF 94-17-Walter Fink-KG, A German Limited Partnership, owner; D.N.A. Inc., engineer.
- *b. "SOUTHERN POINT CASITAS," – (Council District 2) – 2831 East Southern Avenue (south side) 84 R-3 PAD condominium units (5.38 acres) Southern Point Casitas L.L.C., owner; J.M. Griffin Engineering, Inc., engineer.
- *c. "NORTH RIDGE HILLS UNIT III," – (Council District 1) – 2648 North Ridge (both sides) 4 R1-15 single residence lots (3.36 acres) Victor Lamar Shill and Patsy Ann Shill, owners; Rosendahl & Associates, Inc., engineer.

9. Items from citizens present.

Carol Owens, Post Office Box 1017, Apache Junction, addressed the Council and stated that she would like to take this opportunity to recognize retiring Planning Director Frank Mizner. She commented that in her dealings with Mr. Mizner, he has always been courteous and helpful and noted that the City of Mesa has been well served by Mr. Mizner and his hardworking staff. She added that it has been a pleasure to know him and she wished him well in his future endeavors.

Mayor Hawker concurred with Ms. Owens' comments and stated that on behalf of the entire Council, he would like to thank Mr. Mizner for his service to the City of Mesa.

10. Adjournment.

Without objection, the Regular Council Meeting adjourned at 6:15 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 13th day of March 2003. 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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