

COUNCIL MINUTES

May 7, 2001

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 May 7, 2001, at 5:46 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
Neal Beets
Barbara Jones

*Councilmember Whalen participated in the discussion and voting of agenda items by use of teleconferencing equipment.

Invocation by Pastor Ottley W. Holmes, Jr., Shiloh Missionary Baptist Church.

Pledge of Allegiance was led by Salesi Apina, Boy Scout Troop #858.

1. Approval of minutes of previous meetings as written.

It was moved by Councilmember Walters, seconded by Vice Mayor Davidson, that the minutes of the April 12 and April 16, 2001 City Council meetings be approved, and the April 26, 2001 City Council meeting be approved as amended.

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

Carried unanimously.

3. Consider the following liquor license applications:

*a. CARLOS A. VASQUEZ, AGENT

New Beer & Wine Store License for Circle "D" Minimart, 2760 E. Main Street. This is an existing business. The Beer & Wine Store License previously held at this location by Carl P. Schweitzer, Individual, Main Stop, will revert back to the State.

b. HAYES BACALL, AGENT

New Beer & Wine Store License for Quick Cash Market, 1107 N. Mesa Drive. This is an existing business. The Beer & Wine Store License previously held at this location by Kim K. Kwiatkowski, Agent, Circle K Stores Inc., will revert back to the State.

Robert Allen, 239 W. Hillside Street, addressed the Council and stated that his residence is in close proximity to the Quick Cash Market. Mr. Allen voiced his opposition to granting a beer and wine store license to a business that is both engaged in cashing paychecks and selling alcohol.

In response to questions from Mayor Hawker, City Attorney Neal Beets advised that the City's role regarding liquor license applications is to make recommendations to the State Liquor Board and stated that State law does not prohibit a business from selling liquor and providing check cashing services.

In response to a question from Councilmember Walters regarding the submission of recommendations to the State Liquor Board, Mr. Beets advised that the City may submit comments with its recommendations.

Councilmember Walters and Vice Mayor Davidson voiced support for the submission of concerns stated by Mr. Allen and the Council to the State Liquor Board and to representatives in the legislature.

In response to a question from Councilmember Pomeroy, Mr. Ayers advised that he is not aware of any other businesses that offer this combination of services (check cashing and liquor).

It was moved by Councilmember Walters, seconded by Vice Mayor Davidson, that the new beer and wine store license application from Quick Cash Market be approved.

Councilmember Walters directed staff to submit the concerns stated regarding this agenda item and advise the Board and the legislators of the fact that there appears to be a proliferation of check cashing facilities in Mesa.

Councilmember Pomeroy stated opposition to approval of the beer and wine store license.

In response to a question from Councilmember Jaffa, Mr. Beets confirmed that the Quick Cash Market also sells groceries.

Councilmember Jaffa voiced support for approval of the beer and wine license based on the fact that other businesses provide similar type services.

Upon tabulation of votes, it showed:

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

Mayor Hawker declared the motion carried by majority vote.

*c. ANTONIO M. MELGOZA, ETAL

New Restaurant License for Nacho's Mexican Restaurant, 6869 E. Main Street. This is an existing business. The Restaurant License previously held at this location by Dick C. Tang, Agent, Nacho's of Mesa, Inc. will revert back to the State.

*d. HECTOR C. MENDIVIL, INDIVIDUAL

New Restaurant License for Restaurant Manscos La Playita, 1927 N. Gilbert Rd. #6. This is an existing business. The Restaurant License previously held at this location by Manuel Reyes, Owner, of El Sombrero Mexican Restaurant closed January 2001.

4. Consider the following contracts:

*a. One-year renewal of the supply contract for ¾" water meters for the Materials & Supply Division inventory to be used by the Utility Service Division.

The Purchasing Division recommends exercising the third and final one-year renewal option with the original low bidder, Aqua-Metric Sales Company, at \$542,650.50 based on estimated requirements.

*b. One new CAD system interface upgrade as requested by Information Services and the Communications Division.

The Purchasing Division recommends accepting the only bid by Intergraph Public Safety, Inc. at \$26,250.00 including applicable use tax.

*c. Three new defibrillator units as requested by the Fire Department.

The Purchasing Division recommends accepting the bid by Medtronic Physio-Control Corp. at \$42,298.20 including applicable use tax.

*d. File Servers for the Citizen Contact System and the City's Network Infrastructure, as requested by the Information Services Division.

The Purchasing Division recommends authorizing purchase from the State of Arizona contract with CompuCom Systems for a total of \$64,795.79, including applicable sales tax.

- *e. One replacement triplex greens mower as requested by the Parks and Recreation Division.

The Purchasing Division recommends accepting the low bid by Horizon at \$20,953.90 including applicable sales tax.

- *f. Two new ½ ton pickups for the Utility Construction Division.

The Purchasing Division recommends authorizing purchase from the State of Arizona contract with Lou Grubb Ford at \$47,262.52 including applicable sales tax.

- *g. One replacement heavy duty cab chassis fifth wheel truck as requested by the Utility Department.

The Purchasing Division recommends accepting the low bid by Freightliner Arizona, Ltd. at \$49,304.96 including options, extended warranties and applicable sales tax.

- *h. Four service monitors for the 800 MHz Radio System as requested by the Communications Division.

The Purchasing Division recommends authorizing a change order to Motorola for the existing 800 MHz radio system, to add four service monitors at \$98,302.00. With this change order, the revised contract total is \$15,098,625.00. A copy of the proposed contract change order is attached.

- *i. Upgrade to Manual Check Processing System, as requested by the Information Services Division (ISD).

The Purchasing Division recommends accepting the bid from Bottomline Technologies, Inc. for software and services totaling \$30,640.75, including applicable use tax on the software.

- j. Bus pullouts at various locations. City of Mesa Project No. 99-49.1.

This project will install 10 bus pullouts and 8 shelters as part of this on-going improvement to the bus system operation throughout the City.

Recommend award to low bidder, A-1 Contractors, Inc., dba City Construction, in the amount of \$495,946.29 plus an additional \$49,594.63 (10% allowance for change orders) for a total award of \$545,540.92.

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 Davidson for action on this agenda item.

Transit Administrator Jim Wright referred to a handout provided to the Councilmembers identifying the location of the proposed ten bus pullout sites and eight shelters and provided a completion timetable for the various projects. Mr. Wright stated that the shelters will be funded

by a combination of Federal Transit Administration funds and Quality of Life sales tax funds, and that the bus pullouts are fully funded from Quality of Life sales tax funds.

Councilmember Kavanaugh voiced support for staff's recommendations and stated the opinion that the bus pullout projects will improve traffic flow and the shelters will help provide a more conducive environment to use mass transit.

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

Vice Mayor Davidson commented on the City's commitment to improve public transit and voiced appreciation to Mr. Wright and his staff for their efforts in this regard.

Upon tabulation of votes, it showed:

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

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

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

- *k. Mesa City Plaza 2nd Floor Remodel and 7th Floor Guard Station. City of Mesa Project No. 01-133.

This project provides additional office space in the currently vacant portion of the second floor of the Mesa City Plaza building for use by the Neighborhood Services Department. Additionally, it provides a guard station on the 7th floor for increased security for those offices.

Recommend award to low bidder, JMW Construction Company, Inc., in the amount of \$24,892.68 plus an additional \$2,489.27 (10% allowance for change orders) for a total award of \$27,381.95.

- *l. Re-roofing of Fire Station 211 and the Mesa Southwest Museum. City of Mesa Project Nos. 01-26 & 01-50.

This project will replace 1122 square feet of modified bitumen roof and the walk pads within the re-roof area of Fire Station 211, and will replace 1750 square feet of modified bitumen roof and 135 feet of ridge tile on the Mesa Southwest Museum.

Recommend award to low bidder, Custom Roofing Company, Inc., in the amount of \$12,250.00 plus an additional \$1,225.00 (10% allowance for change orders) for a total award of \$13,475.00.

5. Introduction of the following ordinances and setting May 21, 2001 as the date of public hearing on these ordinances:

- *a. **Z01-12** The southwest corner of US 60 and Superstition Springs Boulevard, Lot 7 of Superstition Springs DMP. Rezone from C-2 to M-1-PAD (32± acres). This case involves development of an automall with two restaurant pad sites.

6. Consider the following resolutions:

- a. Recommending the designation of portions of the Tonto National Forest as a national recreation area – Resolution No. 7656.

Vice Mayor Davidson provided a brief introduction and history regarding this agenda item and commented on the important role of the Friends of the Tonto National Forest Committee.

Vice Mayor Davidson introduced Larry Landry, a member of the Friends of the Tonto National Forest Committee, and Art Wirtz, of the Tonto National Forest Service.

Mr. Wirtz expressed his appreciation to Mayor Hawker and the Council for their support of the Friends of the Tonto National Forest Committee and for their efforts to protect the nearby Tonto National Forest from land exchanges. Mr. Wirtz stated the opinion that the designation of nearby areas of the Tonto National Forest as a national recreation area will provide increased protected status and decrease the possibility of land exchanges, particularly in the Usery Mountain area. Mr. Wirtz commented on a national pilot lakes study that will include the lower Salt River and nearby lakes and stated that this study may aid efforts to protect these areas from land exchanges.

Mr. Landry commended Mayor Hawker, Vice Mayor Davidson and Councilmember Jaffa for their leadership roles in this matter and urged the Council to approve the resolution.

Vice Mayor Davidson thanked Mr. Landry, Mr. Wirtz and Government Relations Assistant Kevin Adam for their efforts in this matter. He commented on additional collaborative efforts of the Friends of the Tonto National Forest Committee with the Superstition Area Land Trust and the McDowell Mountain Land Trust regarding future projects to enhance the nearby national forest borders.

Councilmember Jaffa expressed appreciation to the members of the Friends of the Tonto National Forest Committee for their preservation efforts, and to the Council, for their support of the Committee.

It was moved by Councilmember Jaffa, seconded by Councilmember Kavanaugh, that Resolution No. 7656 be adopted.

Carried unanimously.

- b. Granting an easement for underground power at Countryside Park to Salt River Project – Resolution No. 7657.

This easement is needed for SRP to provide power to the new park improvements.

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

It was moved by Councilmember Pomeroy, seconded by Councilmember Kavanaugh, that Resolution No. 7657 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.

- *c. Extinguishing Public Utility Easements in Sun Valley Ranch and vacating a portion of the right-of-way for Sun Valley Blvd., south of University Drive – Resolution No. 7650.

This area has been re-subdivided and these easements and rights-of-way are no longer needed.

- *d. Repealing resolution 6442 and re-stating the City council's commitment to the use and promotion of environmentally responsible products and technologies – Resolution No. 7651.

- *e. Authorizing the City Manager to execute an Intergovernmental Agreement between the Superior Court of Arizona in Maricopa County to continue to provide jurors for the Mesa Municipal Court – Resolution No. 7652.

- *f. Extinguishing portions of a Public Utilities and Facilities Easement at 2920 North Power Road – Resolution No. 7653.

This easement is not being used and is in conflict with the construction of a new retail store.

- *g. Extinguishing a sewer line easement at 3563 East Main Street – Resolution No. 7654.

The easement is not being used and is in conflict with the construction of a new Quick Trip convenience store.

- *h. Extinguishing ingress and egress, public utility, and drainage easements in the Madrid subdivision – Resolution No. 7655.

The Madrid plat has been re-subdivided and these easements are no longer necessary.

- *i. Deleted.

7. Consider the following ordinance:

- a. Pertaining to the Public Nuisance, Property Maintenance and Neighborhood Preservation regulations of the Mesa City Code; amending Section 8-6-2; by adding in alphabetical order definitions of "Managing Agent", "Resident Rental Property", and "Slum Property"; adding Section 8-6-18 regarding the Designation and Regulation of Slum Property - Ordinance No. 3888.

Code Compliance Director Bill Petrie addressed the Council and explained that the proposed ordinance addresses the Rental Registration Law, which is a component of the slum lord legislation signed by Governor Hull on March 22, 1999. Mr. Petrie indicated that this legislation enables the City to assess liens on properties that are in hazardous conditions. Mr. Petrie noted that the Maricopa County Attorney's office has requested that the individual municipalities assume the role of enforcement agent for the Rental Registration Law. He explained that current State law requires all owners of residential rental properties to register their properties with the County Assessor's office. Mr. Petrie noted that the purpose of the Rental Registration Law is to provide municipalities with a designated contact person for notification of violations regarding property conditions.

Mr. Petrie reported that staff will initially utilize an informational type of letter to property owners when properties are found to be in violation of the Rental Registration Law.

Dian Gilmore, 1363 S. Vineyard, representing the Southeast Valley Regional Association of Realtors, addressed the Council and stated that the association is generally supportive of the proposed ordinance. Ms. Gilmore indicated that all members of the association are registered with the Maricopa County Assessor and explained that the proposed language provides for notification to local property managers.

Vice Mayor Davidson voiced appreciation to Ms. Gilmore and to the Southeast Valley Regional Association of Realtors for their input and stated that although he concurs that property managers should be notified of violations, he is supportive of the proposed ordinance. Vice Mayor Davidson stated that the ordinance provides the City a legal remedy to address problems associated with properties that have a history of non-compliant and unresponsive property owners.

It was moved by Vice Mayor Davidson, seconded by Councilmember Kavanaugh, that Ordinance No. 3888 be adopted.

In response to concerns stated by Mayor Hawker, Mr. Petrie said that as a matter of policy, and as a courtesy to property managers, staff will notify property managers concurrently with notifications to the owner/agent.

Carried unanimously.

8. Consider the following item from the Police Committee:

- *a. Recommend that the Police Public Information Office charge the media for police reports consistent with the policy and fee schedule utilized by the Records Department. **(CONTINUED FROM THE APRIL 16, 2001 COUNCIL MEETING).**

9. Consider the following item from the Utility Committee:

- *a. Approving staff's recommendation relative to the establishment of a new City policy regarding joint/shared trenching for public utility providers be approved. **(CONTINUED FROM THE APRIL 2, 2001 COUNCIL MEETING. THIS ITEM WILL BE CONTINUED TO A FUTURE COUNCIL MEETING.)**

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

- *a. **Z00-84** Northeast corner of Signal Butte Road and Southern Avenue. Site Plan Review (10 ± acres). The case involves the development of a commercial retail center. Brookstone Ventures, L.C., owner; represented by: Mark Huey; Kurt D. Reed Associates, applicant – Ordinance No. 3884.

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

1. Compliance with the basic development as described in the project narrative and as shown on the site plan, landscaping plan and elevations submitted, (without guarantee of building count and 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. Compliance with all requirements of the Subdivision Technical Review Committee.
7. Compliance with all requirements of the Design Review Board with special attention paid to:
 - (a) Retention basin design,
 - (b) Site and foundation landscaping design,
 - (c) Pedestrian circulation,
 - (d) Pad B site design and building orientation.
 - (e) Pedestrian area design and shading.
8. All pad buildings to be architecturally compatible with the center.
9. Review and approval of a Special Use Permit by the Board of Adjustment for gas pumps, car wash, comprehensive sign plan and Pad B site design and building orientation.

10. Retention basins to be 6:1 slopes maximum where adjacent to public rights-of-way, pedestrian areas and/or sidewalks.

- *b. **Z00-87** Property bounded on the north by Warner Road, south by Ray Road, west by RWCD Canal and east by Ellsworth Road. Rezone from Maricopa County ADII, ADIII and Rural 43 to City of Mesa M-1-AF and AG-AF (\pm 1571 acres). Various owners; City of Mesa, applicant. This case involves the establishment of City zoning on recently annexed property – Ordinance No. 3885.

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

1. Review and approval by the Planning and Zoning Board, Design Review Board (if applicable per Mesa Zoning Ordinance), and City Council of future development plans.
2. Compliance with all City development codes and regulations.
3. A noise impact study shall be required for all development applications within 500 feet of an existing or planned freeway right of way. The study shall be completed in accordance with the Arizona Department of Transportation's (ADOT) Noise Abatement Policy. Measures to mitigate noise levels, as prescribed by ADOT's Noise Abatement Policy, shall be the developer's responsibility under the following conditions: (a) the freeway is an existing facility; or b) an Environmental Impact Statement (EIS) or Environmental Assessment (EA) has been completed for a planned freeway project prior to issuance of a building permit for the development project.
4. Compliance with the letter dated December 19, 2000 from Williams Gateway Airport regarding land use, aviation easements, notification, and sound attenuation.

- *c. **Z01-03** The southeast corner of Val Vista and Enid. Rezone from C-2 to R2-PAD (11 \pm acres). This case involves development of a residential subdivision. R&B Sarhangian Family Trust owner/applicant; represented by: Ted Sarhangian. **(CONTINUED FROM THE MARCH 5, 2001 AND APRIL 2, 2001 MEETINGS. THE APPLICANT HAS REQUESTED THIS CASE BE CONTINUED TO THE JUNE 4, 2001 COUNCIL MEETING.)**

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 unit yield) except as noted below.
2. Compliance with the Residential Development Guidelines regarding elevation design and landscape setback at the public streets.
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. Compliance with all requirements of the Subdivision Technical Review Committee.
6. Secondary access as proposed on South 37th Street shall be relocated northwestward along Enid Street, subject to review and approval of revised site plan and preliminary plat during the subdivision review process.

- *d. **Z01-13** 6052 East Baseline Road. Rezone from AG to M-1 (3± acres). This case involves development of an office/warehouse project. Delta Mechanical, Inc., owner, represented by: Tony Kitchukov; David Udall, applicant, represented by: Bob Saemisch – Ordinance No. 3886.

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

1. Compliance with the basic development as described in the project narrative and as shown on the site plan, and elevations submitted, without guarantee of lot yield, building count, or lot coverage.
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.) including driveway requirements.
4. Dedicate the right-of-way required under the Mesa City Code at the time of application for a building permit or at the time of the City's request for dedication, whichever comes first.
5. If the project is built in phases, all street improvements and perimeter landscaping shall be installed in the first phase of construction.
6. Provision of cross-access to adjacent sites as shown on site plan for possible future development.
7. Compliance with all requirements of the Design Review Board.
8. Review and approval of a comprehensive sign plan by the Board of Adjustment.
9. Retention basins shall be maximum 6:1 slope adjacent to pedestrian paths & ROWs.

- *e. **Z01-15** The 8600 - 9100 blocks of East Warner Road, (south side). Rezone from AG-AF to M-1 AF (240± acres). This case involves establishment of an industrial land use category. Mark Reeb, owner/applicant – Ordinance No. 3887.

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

1. Review and approval by the Planning and Zoning Board, Design Review Board (if applicable per Mesa Zoning Ordinance), and City Council of future development plans.
2. Compliance with all City development codes and regulations.
3. A noise impact study shall be required for all development applications within 500 feet of an existing or planned freeway right of way. The study shall be completed in accordance with the Arizona Department of

Transportation's (ADOT) Noise Abatement Policy. Measures to mitigate noise levels, as prescribed by ADOT's Noise Abatement Policy, shall be the developer's responsibility under the following conditions: (a) the freeway is an existing facility; or b) an Environmental Impact Statement (EIS) or Environmental Assessment (EA) has been completed for a planned freeway project prior to issuance of a building permit for the development project.

4. Compliance with the letter dated December 19, 2000 from Williams Gateway Airport regarding land use, aviation easements, notification, and sound attenuation.

11. Consider the following subdivision plats:

- *a. "ROCK CANYON AT LAS SENDAS" (Council District 5) The 3400 block of North Ridgecrest (east side) 65 R1-35 PAD DMP single residence lots (75.53 ac.) City View Properties, developer; Wood/Patel engineer.
- *b. "HIDDEN CANYON AT LAS SENDAS" (Council District 5) The 4200 block of North Deserts Gate (both sides) 39 R1-35 PAD DMP single residence lots (39.16 ac) City View Properties, developer; Wood/Patel engineer.

12. Items from citizens present.

There were no items from citizens present.

13. Adjournment.

Without objection, the Regular Council Meeting adjourned at 6:45 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 7th day of May 2001. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this ____ day of _____ 2001.

BARBARA JONES, CITY CLERK

pjt