

COUNCIL MINUTES

September 24, 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 September 24, 2001, at 5:47p.m.

COUNCIL PRESENT

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

COUNCIL ABSENT

Mike Whalen

OFFICERS PRESENT

Mike Hutchinson
Barbara Jones

(Mayor Hawker excused Councilmember Whalen from the meeting.)

Invocation by Senior Pastor Mark L. Hillis, Faith Harvest Christian Church.

Mayor Hawker expressed sympathy to the family of Balbir Singh Sodhi for his recent passing.

Pledge of Allegiance was led by Fire Chief Dennis Compton.

Mayor Hawker welcomed everyone to the meeting.

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

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

Upon tabulation of votes, it showed:

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

Mayor Hawker declared the motion carried unanimously by those present.

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

Minutes from the August 30, 2001 and September 6 and 10, 2001 Council meetings.

3. Consider the following liquor license applications:

*a. CHRIS CARPENTER, PASTOR

Special Event License application of Chris Carpenter, Pastor, Christ the King Catholic Community, a one-day religious event to be held Saturday, October 13, 2001 from 5:00 p.m. to 10:00 p.m., at 1545 E. Dana Ave, Christ the King School.

*b. CLARE HOLLIE ABEL, AGENT

Person transfer Liquor Store License for Costco Wholesale, 1235 S. Power Road. This is an existing business and building. This transfer is from Clare H. Abel, Agent, The Price Company.

*c. EHAB FRANCIS, AGENT

New Beer and Wine Store License for Superior Food Mart, 6262 E. Main Street. This is an existing business and building. The Beer & Wine Store License previously held at this location by Phillip Wayne Hallum, Agent, Hallum Inc., will revert back to the State.

*d. MICHELE A. FIORE, AGENT

New Restaurant License for Broadway Palm Dinner Theatre West, 5247 E. Brown Road. This is an existing building which is currently under construction. The Liquor Store License previously held at this location by Richard A. Vanderluit, Agent, Abco Markets Inc., went out of business in 1996.

*e. JOSE E. CHAVARRIA GARCIA, AGENT

New Restaurant License for Cantina Los Arcos, 2155 W. Broadway Road. This is an existing business and building. The Restaurant License previously held at this location by Armando Zamora, Agent, Aries Restaurants LLC, will revert back to the State.

*f. YUNG LIN WANG, AGENT

New Restaurant License for China China, 1034 E. Main Street. This is an existing business and building. The Restaurant License previously held at this location by Joe H. Lok, Agent, China China Inc., will revert back to the State.

*g. JAMES H. KELLER II, AGENT

New Restaurant License for Goodfellas Restaurant, 260 W. Main Street. This is an existing building. The Restaurant License previously held at this location by Frederick Subject, Agent, Branding Iron Steak House, went out of business in July 1996.

*h. DANNY R. WINGO, AGENT

New Restaurant License for Taylor Rays Restaurant, 5601 E. Hermosa Vista Drive. This is an existing business. The Restaurant License previously held at this location by

Anthony M. Roberto, Agent, TMR Restaurants, Inc., will revert back to the State. The Beer and Wine Bar License will remain with Anthony M. Roberto, Agent, TMR Restaurants, Inc.

4. Consider the following contracts:

- *a. Two-year supply contract for helicopter airframe parts and repairs as requested by the Police Department.

The Purchasing Division recommends accepting the low bid by Seaside Helicopters, Inc. for annual purchases estimated at \$250,000.00.

- *b. Modular office workstations for Neighborhood Services.

The Purchasing Division recommends authorizing purchase from the State of Arizona contract with Goodmans at \$35,071.64 including design, installation, cleaning and applicable sales tax.

- c. Additional Expenditure Authority for the Supply Contract for Desktop, Notebook and Related Computing Equipment as requested by the Information Services Division.

The Purchasing Division recommends increasing the expenditure authority for the primary supply contract with IKON Office Solutions and the secondary supply contract with CompuCom Systems, Inc. Staff projects that 90% of the computing equipment (\$1,548,169.49) will be purchased from IKON Office Solutions and 10% (\$279,661.00) will be purchased from CompuCom Systems, Inc. The combined total award is \$1,827,830.49, based on estimated annual requirements and State contract pricing, to be purchased with a combination of budgeted funds and a three-year tax-exempt lease.

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

In response to questions posed by Councilmember Walters and Mayor Hawker, Materials Management Director Sharon Seekins provided a brief overview of the above agenda item.

Upon tabulation of votes, it showed:

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

Mayor Hawker declared the motion carried unanimously by those present.

- *d. Re-coat Foam Roofs on Various City Buildings. City of Mesa Project Nos. 01-37 & 01-60.

This project was originally awarded to Starkweather Roofing, Inc., who withdrew their bid after discovering their bid had not included the cost to provide Owner's Liability Insurance.

Recommend award to second bidder, Sprayfoam Southwest, Inc., in the amount of \$26,878.00 plus an additional \$2,687.80 (10% allowance for change orders) for a total award of \$29,565.80.

- *e. CAP Water Treatment Plant Desert Sage Pump No. 2 Replacement. City of Mesa Project No. 01-132.

This project will replace a pump serving the Desert Sage zone with a new higher capacity pump and will make associated improvements to the discharge pump and electrical controls.

Recommend award to low bidder, Hunter Contracting Company, in the amount of \$259,200.00 plus an additional \$25,920.00 (10% allowance for change orders) for a total award of \$285,120.00.

- *f. Lindsay Reservoir Inlet Flow meter and Lindsay Transfer Station Electrical Improvements. City of Mesa Project No. 00-64.

This project will install a new inlet flow meter at the Lindsay Reservoir and upgrade electrical equipment at the Lindsay Transfer Station (pump station) to improve operational efficiency and reliability.

Recommend award to low bidder, Sturgeon Electric Company, Inc., in the amount of \$187,780.00 plus an additional \$18,778.00 (10% allowance for change orders) for a total award of \$206,558.00.

5. Introduction of the following ordinances and setting October 8, 2001 as the date of public hearing on these ordinances:

- *a. Prohibiting parking on the west side of Parkcrest from Broadway Road to a point 50 feet south of Broadway Road, on the north side of Adobe Road from Crismon Road to a point 355 feet east of Crismon Road, on the south side of Adobe Road from Crismon Road to 100th Place, and on Madero Avenue from Crismon Road to a point 2,600 feet east of Crismon Road; prohibiting parking from 8:00 a.m. to 4:00 p.m. on school days on the north side of Fox Street from Lindsay Road to Los Alamos, on the south side of Fox Street from Lindsay Road to a point 675 feet east of Robin Lane, on the north side of Fountain Street from Robin Lane to a point 760 feet east of Robin Lane, on the north side of Fountain Street from Alba Circle to a point 165 feet west of Alba Circle, on the south side of Fountain Street from Robin Lane to a point 840 feet east of Robin Lane, on the south side of Fountain Street from Los Alamos to a point 90 feet east of Los Alamos, on the south side of Fountain Street from Alba to a point 90 feet west of Alba, on the north side of Fairfield Street from Robin Lane to a point 510 feet east of Robin lane, on the north side of Fairfield Street from a point 260 feet west of Los Alamos to a point 100 feet east of Los Alamos, on the south side of Fairfield Street from Robin Lane to a point 340 feet east of Robin Lane, on the south side of Fairfield Street from Rico to a point 255 feet west of Rico, on the north side of Encanto Street from Lindsay Road to a point 95 feet east of Robin Lane, on Robin Lane from Fox Street to Encanto Street, on the west side of Rico from Fairfield Street to a point 120 feet south of Fairfield Street, on the west side of Rico Circle from Fox Street to a point 200 feet north of Fox Street, on the east

side of Rico Circle from Fox Street to a point 270 feet north of Fox Street, on the east side of Los Alamos from Fox Street to a point 107 feet south of Fox Street, on the east side of Los Alamos from Fountain Street to Fairfield Street, on the west side of Los Alamos from Fairfield Street to a point 120 feet north of Fairfield Street, and on the west side of Alba from a point 140 feet south of Fountain Street to a point 195 feet north of Fountain Street; and including Monterey Avenue/Joslyn from Hawes Road to Guadalupe Road and Acacia/Leonora Street from Hermosa Vista Drive to Lindsay Road in Section 10-3-17 of the City Code "Special Stops Required"; as recommended by the Transportation Advisory Board.

- *b. Amending various sections of the Mesa City Code relating to the downtown sign ordinance as recommended by the Downtown Development Committee, the General Development Committee, and revisions based on Council direction received on September 10, 2001.

5.1 Consider the following resolutions:

- *a. Ratifying the action of the Utilities Manager in signing a contract with Enron Power Marketing, Inc. – Resolution No. 7734.

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

Utilities Manager Dave Plumb addressed the Council and provided a brief update on this agenda item.

It was moved by Councilmember Kavanaugh, seconded by Councilmember Pomeroy, that Resolution No. 7734 be adopted.

Upon tabulation of votes, it showed:

AYES - Hawker-Jaffa-Kavanaugh-Pomeroy-Walters
ABSTAIN - Davidson
ABSENT - Whalen

Mayor Hawker declared the motion carried unanimously by those present and voting and Resolution No. 7734 adopted.

6. Consider the following ordinances:

- a. Establishing an Historic Preservation Overlay District for the Expanded West Second Historic District (HP01-002TC) – Ordinance No. 3933.

Virginia Aguero, 150 West 3rd Place, addressed the Council and discussed her efforts to circulate petitions and to obtain signatures within her neighborhood for submission to the Historic Preservation Office. She voiced appreciation to City staff members Greg Marek, Tony Felice and Amy Morales for their dedication and also to the Historic Preservation Committee for its commitment to this project.

Nadine Grace, 1327 West 1st Street, the granddaughter of one of Mesa's first Hispanic residents, concurred with the remarks of the previous speaker and stressed that the West Second Street Historic District is truly representative of Mesa's unique cultural heritage.

Mayor Hawker thanked the speakers for their comments.

It was moved Councilmember Pomeroy, seconded by Vice Mayor Davidson, that Ordinance No. 3933 be adopted.

Mayor Hawker advised that although he routinely does not support the designation of Historic Preservation Overlay Districts, he will support the motion due to the fact that the neighborhood is located within Mesa's original Town Center area.

Councilmember Walters voiced support for the motion and commended the efforts of the residents who participated in the process.

Councilmember Kavanaugh expressed appreciation to Mayor Hawker for his support of this agenda item. He also concurred with Councilmember Walters' comments and stated that the establishment of historic districts has stabilized Mesa's neighborhoods, preserved the City's diverse architectural style and served as a role model for other Valley communities.

Upon tabulation of votes, it showed:

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

ABSENT - Whalen

Mayor Hawker declared the motion carried unanimously by those present and Ordinance No. 3933 adopted.

*b. Deleted.

7. Consider the following recommendation from the General Development Committee:

- a. Discuss and consider potential changes to proposed amendments to Chapters 14 and 15 of the Zoning Ordinance (Design Guidelines and Standards) and consider recommending proceeding with a review process for the proposed amendments.

Councilmember Walters, Chairman of the General Development Committee (GDC), reported on the status of the Design Guidelines update process. She commended the Planning Department, the Planning and Zoning Board (P&Z) and the Design Review Board (DRB) for their dedicated efforts to comprehend the complexity of the current guidelines and to identify major issues. Councilmember Walters also acknowledged a Technical Subcommittee, comprised of members of the P&Z (Marty Whalen and Dan Brock) and the DRB (Bob Saemisch, Randy Carter and Ed Corral), for their contributions with regard to this matter.

Councilmember Walters stated that the proposed amendments, which have been developed by staff, the Technical Subcommittee and representatives of the development community, will now be presented to the public for input and recommendations. She added that at the September 10, 2001 GDC meeting, the Committeemembers posed a series of questions regarding the proposed

amendments to Chapters 14 and 15 of the Zoning Ordinance, and that due to time constraints, staff is still in the process of responding to such inquiries.

Councilmember Walters invited the Council to offer comments/suggestions relative to the proposed design guidelines.

It was moved by Councilmember Walters, seconded by Councilmember Kavanaugh, that the recommendations of the General Development Committee to proceed with a review process for the proposed amendments to Chapters 14 and 15 of the Zoning Ordinance (Design Guidelines and Standards) be approved.

Councilmember Jaffa advised that in the future, he would like to address the use of parking garages and development fee credits to more efficiently utilize Mesa's limited acreage. He also commended staff and the members of the P&Z and DRB for addressing a variety of issues including setbacks and buffers.

Vice Mayor Davidson concurred with Councilmember Walters' comments and acknowledged Planner II Wahid Alam for his insight and dedication to the project. He also urged Mesa residents to attend the public comment forums.

In response to a question from Vice Mayor Davidson, Planning Director Frank Mizner advised that the public comment schedule will be made available to Mesa residents. He explained that in addition to soliciting public comment, it is also the intent of staff to garner input from the development community.

Vice Mayor Davidson encouraged staff in the future to update the Residential Development Guidelines.

Councilmember Kavanaugh concurred with Vice Mayor Davidson's comments. He added that he supports many, if not most, of the proposed design guidelines amendments, but stressed that they are merely proposals and require feedback from the community.

Mayor Hawker complimented staff on the easy readability of various flow charts pertaining to this issue. Mayor Hawker voiced tentative support for the proposed amendments relative to landscape setbacks and buffers, but emphasized the importance of soliciting recommendations/input from both the public and the development community.

Mayor Hawker cautioned that the implementation of such amendments may create areas within the City where one side of a street will appear substantially different than the other. He said that this will be the result of nonconforming areas that are currently built to a different standard than what might be constructed in the future.

In response to a question from Councilmember Jaffa, Mr. Mizner clarified that whenever a community changes its development standards (parking, signage, landscaping and setbacks), existing development is considered grandfathered and rendered nonconforming; however, if redevelopment occurs, the property owner would be subject to the new standards imposed by the City.

Upon tabulation of votes, it showed:

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

Mayor Hawker declared the motion carried unanimously by those present.

8. Consider the following subdivision plat:

- *a. "AMENDED MAP OF DEDICATION FOR CRESCENT RUN", - (Council District 6) – The 8500 block of East Southern Avenue (north side) Crescent Run Limited Partnership, developer; Z & G Engineering, Inc., engineer.

9. Items from citizens present.

Charles Crismon, 55 East Main Street, addressed the Council and voiced a variety of concerns regarding his inability to amicably resolve an ongoing dispute with the City concerning the relocation of his business. He also expressed disappointment that neither the City Manager nor the Council have responded to his telephone calls or e-mails.

10. Adjournment.

Without objection, the Regular Council Meeting adjourned at 6:39 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 24th day of September 2001. I further certify that the meeting was duly called and held and that a quorum was present.

BARBARA JONES, CITY CLERK