

# COUNCIL MINUTES

June 2, 1997

The City Council of the City of Mesa met in a Regular Council Meeting in the upper level of the Council Chambers, 57 East 1st Street, on June 2, 1997 at 5:45 p.m.

## COUNCIL PRESENT

Mayor Wayne Brown  
Pat Gilbert  
John Giles  
Dennis Kavanaugh  
Joan Payne  
Wayne Pomeroy  
Jim Stapley

## COUNCIL ABSENT

None  
  
POLICE OFFICER  
PRESENT  
  
Robert Rash

## OFFICER'S PRESENT

C.K. Luster  
Neal Beets

(Items on the agenda were discussed out of order but for purpose of clarity, will remain as listed on the agenda.)

The Invocation was given by Glen Redman, Mesa Church of Christ.

The Pledge of Allegiance was led by Garrett Stokum, Troop 751.

### 1. Approval of minutes of previous meetings as written.

It was moved by Councilmember Stapley, seconded by Councilmember Pomeroy, that the minutes of May 16 and 19, 1997 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 Pomeroy, seconded by Councilmember Stapley, that the consent agenda items be approved.

Carried unanimously.

3. Conduct a public hearing on the proposed Fiscal Year 1997-98 budget plan. (See Item 4 for information).

Mayor Brown announced that this is the time and place for a public hearing regarding the proposed Fiscal Year 1997-98 budget plan.

Bill Brando, 61 South Macdonald, spoke in opposition to the proposed utility rate increase.

There being no further citizens present wishing to speak on this issue, the Mayor declared the public hearing closed.

4. Consider tentative adoption of the proposed Fiscal Year 1997-98 budget plan.

It was moved by Vice Mayor Gilbert, seconded by Councilmember Giles to approve the tentative adoption of the proposed Fiscal Year 1997-98 budget plan, with net operating budget resources of \$423,176,000 and scheduled bond capital improvements of \$156,154,000, for a total of \$579,330,000.

Upon tabulation of votes, it showed:

AYES - Brown- Gilbert-Giles-Kavanaugh-Pomeroy-Stapley  
NAYS - Payne  
ABSENT - None

Mayor Brown declared the motion carried by majority vote.

5. Consider the following contracts.

- \*a. One replacement forklift as requested by Fleet Support Services.

The Purchasing Division recommends accepting the low bid meeting specification by Briggs Equipment at \$24,381.00 plus 7.05% sales tax of \$1,718.86 plus the extended warranty of \$875.00 for a total of \$26,974.86.

- \*b. Pad-mounted transformers for warehouse inventory to be used for various projects by Electric Utility.

The Purchasing Division recommends accepting the lowest bids meeting specification based on lifetime evaluated cost as follows:

Items 1 and 2 to Young Power Equipment at \$13,722.00 plus 7.15% sales tax of \$981.12 for a total of \$14,703.12;

Items 3, 4, and 5 to Armstrong Sales & Assoc. at \$31,495.00 plus 7.05% sales tax of \$2,220.39 for a total of \$33,715.39; and

Item 6 to Border States at \$30,318.00 plus 7.05% sales tax of \$2,137.41 for a total of \$32,455.41.

The combined award is then \$80,873.92.

- \*c. One replacement reel grinder as requested by the Golf Course.

The Purchasing Division recommends accepting the low bid by Horizon Turf at \$12,500.00 plus 7.05% sales tax of \$881.25 for a total of \$13,381.25.

- \*d. 5,000 each 28-quart in-home plastic recycling containers as requested by the Solid Waste and Facilities Division. These containers are for residents to collect recyclable items in their home, before depositing them into their recycling barrels.

The Purchasing Division recommends accepting the low bid by C.R. Manufacturing Company at \$11,550.00 plus 5% use tax of \$577.50 for a total of \$12,127.50.

- \*e. Soccer field turf installation at HoHoKam Park as requested by the Parks, Recreation and Cultural Division.

The Purchasing Division recommends accepting the low bid by Gardner Turf Grass Inc. at \$52,210.00 plus 7.25% sales tax of \$3,785.22 for a total of \$55,995.22.

- \*f. One dump truck and one crew cab truck as requested by the Street Maintenance Division.

The Purchasing Division recommends accepting the low bids meeting specification as follows:

Item 1 to Sundance Truck Center at \$71,850.00 plus \$225.00 for suspension upgrade plus 7.05% sales tax of \$5,065.43 and extended warranties at \$1,269.00 for a total of \$78,409.43.

Item 3 to I-10 International at \$40,775.13 plus \$480.00 for suspension seats plus 7.05% sales tax of \$2,949.74 and extended warranties at \$1,159.00 for a total of \$45,363.87. Although I-10 International's base bid is not the lowest, their total price including warranties, is lowest. The combined award is then \$123,773.30.

- \*g. 34 emergency vehicle lightbars as requested by the Communications Division to be installed on police patrol sedans.

The Purchasing Division recommends accepting the low bid by Tomar Electronics at \$16,830.00 plus 6.75% sales tax of \$1,136.02 for a total of \$17,966.02.

- \*h. 335 street light luminaries for warehouse inventory to be used by the Traffic & Streets Division.

The Purchasing Division recommends accepting the low bid by Arizona Electric Supply at \$46,438.25 plus 5.75% sales tax of \$2,670.19 for a total of \$49,108.44 based on estimated requirements.

- \*i. Amdahl mainframe computer upgrade as requested by the Information Services Division (ISD).

The Purchasing Division recommends accepting the low bid meeting specifications from Amdahl Corporation for equipment and services of \$12,500.00, plus 7.05% sales tax on the equipment of \$493.50, for a total of \$12,993.50 (installation is not taxable).

- \*j. One mobile tower-trailer as requested by the Communications Division.

The Purchasing Division recommends accepting the low bid by Aluma Tower Company, Inc., at \$37,900.00 plus 5% Arizona use tax of \$1,895.00 for a total of \$39,795.00.

- \*k. Power Road water line, Ray to Pecos Road.

This project consists of installing a new 24-inch water line along Power Road from Ray Road to just north of Pecos Road.

Recommend award to low bidder, T & T Construction, Inc., in the amount of \$758,009.50.

- \*l. Re-roof the Falcon Field Airport terminal building, Dobson Ranch Golf Course maintenance building, and the Senior Center building.

This project involves re-roofing three existing facilities: Falcon Field terminal building, Dobson Ranch Golf Course maintenance building, and the Senior Center building.

Recommend award to low bidder, NRC Universal, Inc., in the amount of \$50,476.00.

- m. Baseline Road water line replacement, Eastern Canal to East of Recker Road.

This project consists of replacing an existing water line and installing a new gas line along Baseline Road from the Eastern Canal to approximately 1,000 feet east of Recker Road.

Recommend award to low bidder, Archon, Inc., in the amount of \$668,620.00.

Ben Sheffield of Nesbit Contracting Co., Inc., 100 South Price Road, Tempe, spoke in opposition to the proposed award to Archon, Inc. Mr. Sheffield expressed the opinion that Archon, Inc. is not the lowest responsive bidder. Mr. Sheffield explained the bid requirement relative to naming an approved gas line contractor and commented that Archon, Inc. has not complied with the requirement.

Public Works Manager Harry Kent advised Council that Archon, Inc. named a contractor that was not on the pre-qualified contractor list. Mr. Kent suggested that the City enter into a

contract with Archon, Inc. with the stipulation that Archon, Inc. name a qualified subcontractor.

It was moved by Vice Mayor Gilbert, seconded by Councilmember Giles, that the recommendation of staff be approved as outlined, with the stipulation that a qualified subcontractor be named.

Upon tabulation of votes, it showed:

AYES - Brown- Gilbert-Giles-Pomeroy-Stapley  
NAYS - Kavanaugh- Payne  
ABSENT - None

Mayor Brown declared the motion carried by majority vote.

\*n. 96/97 arterial/collector street overlays and reconstruction.

This project involves overlaying or reconstructing five (5) arterial/collector street segments and also involves the installation of curb ramps as required by the Americans with Disabilities Act.

Recommend award to low bidder, J. Banicki Construction, in the amount of \$877,764.35.

6. Introduction of the following ordinances and setting June 23, 1997 as the date for the public hearing on these ordinances.

(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. Amending Sections 11-1-6, 11-5-4, and 11-16-3, regarding the definition, locational restrictions, and on-site parking requirements for "Assisted Living Facilities."
- \*b. **Z96-87** The southeast corner of Guadalupe Road and Ellsworth Road. Rezone from AG to R1-7, R1-6, R1-6-PAD, R-4, and C-2 within a Development Master Plan (317± acres). This case involves a DMP containing 1,050± single-residential lots and future multi-residence and commercial tracts. **CONTINUED FROM THE MAY 19, 1997 COUNCIL MEETING.**
- \*c. **Z97-13** The 800 through 1100 blocks of West Southern Avenue (south side). Modification of the "Fiesta Quadrant" DMP (29± acres). This case involves a request to modify the approved land use plan for the "Fiesta Quadrant."
- \*d. **Z97-15** The 1600-1700 blocks of South 96th Street (east side). Rezone from R1-43 to R1-6-PAD (36± acres). This case involves the development of a 120-lot subdivision.

- \*e. **Z97-40** The 1200 to 1900 blocks of North 32nd Street (both sides). Rezone from AG and R1-35 to R1-35 and R1-15 with a PAD overlay (300± acres). This case involves a Development Master Plan of approximately 400 lots.
- \*f. **Z97-41** 5620 East Baseline Road. Rezone from AG to M-1 (5± acres). This case involves the development of office/warehouses and construction yards.
- \*g. **Z97-42** The 2900 block of East Brown Road (north side). Site Plan Modification (2± acres). This case involves the development of a multiple-residence subdivision.
- \*h. **Z97-43** The southeast corner of Power Road and McDowell Road. Site Plan Modification (10± acres). This case involves the development of an Albertson's shopping center with pad buildings.
- \*i. **Z97-44** The 3900 and 4000 blocks of East McDowell Road (south side). Rezone from R1-35 to R1-35-PAD (24± acres). This case involves the development of a gated single-residence subdivision.
- \*j. **Z97-45** Part of the 1400 block of South Power Road (west side). Site Plan Review (2± acres). This case involves the development of a furniture store.
- \*k. **Z97-47** The northwest corner of 80th Street and University Drive. Rezone from R1-43 to C-1 (0.6± acre). This case involves the development of a convenience store with gas pumps.
- \*l. **Z97-48** The southwest corner of Baseline Road and Sossaman Road. Site Plan Review (2± acres). This case involves the development of an Osco Drug.
- \*m. **Z97-49** South of the southwest corner of Southern Avenue and Lindsay Road. Rezone from R1-6 and R1-7 to R-2-PAD (5± acres). This case involves the development of a 44-unit townhome project.
- \*n. **Z97-50** The northwest corner of Baseline Road and 39th Street. Site Plan Modification (4.5± acres). This case involves the development of an office complex.
- \*o. **Z97-51** The northeast corner of Crismon Road and Adobe Road. Establish City R1-43 zoning (40± acres). This case involves recently annexed property.
- \*p. Modifying rate schedules for water utility service.
- \*q. Modifying rate schedules for wastewater utility service.
- \*r. Modifying rate schedules for solid waste utility service.
- \*s. Modifying rate schedules for natural gas utility service.
- \*t. Modifying the charges for utility related services.

- u. Relating to the City Council and City Boards and Commissions; Amending Title 1, Chapter 5 of the Mesa City Code by adding Section 1-5-9.

It was moved by Vice Mayor Gilbert, seconded by Councilmember Kavanaugh, that the introduction of an ordinance amending Title 1, Chapter 5 of the Mesa City Code by adding Section 1-5-9 be approved.

Upon tabulation of votes, it showed:

AYES - Brown- Gilbert-Giles-Kavanaugh-Pomeroy-Stapley  
NAYS - Payne  
ABSENT - None

Mayor Brown declared the motion carried by majority vote.

7. Consider the following resolutions:

- \*a. Granting an easement for underground power to Salt River Project at 4125 East McKellips Road - Resolution No. 7046.

This easement is necessary to provide underground power service to the new tennis facilities at Gene Autry Park.

- \*b. Vacating the public alley right-of-way lying north of 1826 and 1820 East Mahoney - Resolution No. 7047.

Adjacent property owners have requested the alley be abandoned.

- \*c. Extinguishing a portion of a public utility easement at the Dobson Ranch Shopping Center - Resolution No. 7048.

This easement is not being used and is in conflict with a proposed Albertson's store.

- \*d. Vacating a portion of public roadway in the 600 block of North Mountain Road - Resolution No. 7049.

The excess right-of-way will not be needed and the adjacent land owner has requested it be vacated.

- \*e. Extinguishing a portion of an easement for roadway purposes at 2038 North Country Club Drive - Resolution No. 7050.

This easement will not be used and is in conflict with a proposed building.

- \*f. Approving the application for Historic Preservation Arizona Heritage Funds and/or Federal Historic Preservation Funds - Resolution No. 7051.

- g. Authorizing and directing the City Attorney to institute proceedings to acquire title or other interest in the City of Mesa under the power of eminent domain to certain real property necessary for redevelopment in the downtown area of the City of Mesa known as Site 16 - Resolution No. 7052.

Bill Brando, 61 South Macdonald, asked that Council eliminate the use of eminent domain. Mr. Brando expressed the opinion that Cox Communications, Hogue Printing, Scott Blueprint, and Spencer's TV & Appliance should be responsible for the purchase of the properties.

It was moved by Councilmember Stapley, seconded by Councilmember Pomeroy, that Resolution No. 7052 be adopted.

Upon tabulation of votes, it showed:

AYES - Brown-Gilbert-Giles-Kavanaugh-Pomeroy-Stapley  
NAYS - Payne  
ABSENT - None

Mayor Brown declared the motion carried by majority vote and Resolution No. 7052 adopted.

8. Consider the following ordinances:

- a. Deleted.
- b. Relating to City Council Advisory Boards; Amending Title 2 of the Mesa City Code by adding a new Chapter 3 Creating a Judicial Advisory Board and declaring an emergency - Ordinance No. 3340.

It was moved by Vice Mayor Gilbert, seconded by Councilmember Stapley, that Ordinance No. 3340 be adopted.

Carried unanimously.

9. Consider renewal of the annual Greater Phoenix Economic Council (GPEC) contract.

It was moved by Vice Mayor Gilbert, seconded by Councilmember Stapley, that renewal of the annual Greater Phoenix Economic Council contract be approved.

Upon tabulation of votes, it showed:

AYES - Brown- Gilbert-Giles-Kavanaugh-Pomeroy-Stapley  
NAYS - Payne  
ABSENT - None

Mayor Brown declared the motion carried by majority vote.

10. Consider amendments to the Redevelopment Agreement for the downtown area of the City of Mesa known as Site 14.

- a. Amending the Redevelopment Agreement for Site 14 regarding Brown and Brown Chevrolet.

Mayor Brown 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. Mayor Brown yielded the gavel to Vice Mayor Gilbert for action on this agenda item.

Redevelopment Director Greg Marek provided an overview relative to the proposed amendments to the Site 14 Redevelopment Agreement. Mr. Marek advised Council that Brown and Brown Chevrolet has requested approval to redesign the proposed garage. Mr. Marek briefly explained the original plan in comparison to the revised proposal. Mr. Marek expressed the opinion that the proposed design is an improvement due to the architectural detail, distance to the street, and landscaping. Mr. Marek stated that the project would cost approximately \$5 million. Mr. Marek said that the Downtown Development Committee (DDC) has recommended approval of the amendments and requested that a provision be included whereby the City would be eligible to repurchase the property at a future date for \$1.00 plus the value of the improvements.

Councilmember Payne requested a copy of a verbatim from the May 8, 1997 DDC meeting.

Mary Simmons, 6542 East Fairbrook, indicated opposition to the agreement to sell downtown property worth \$2 million for \$1.00 and said that the proposed changes to the property will create only a parking garage.

Bill Brando, 61 South Macdonald, expressed concern regarding the use of eminent domain and stated the opinion that Council should not continue to provide money to successful businesses.

John DeShetler, 1749 West Main Street, noted opposition to providing assistance to large businesses and emphasized the needs of small businesses.

Lavonne Lee, Box 4959, said that she does not support the proposed garage relative to the number of individuals displaced, additional traffic along Main Street, and increased noise and pollution. Ms. Lee questioned whether the original commitment of Brown and Brown Chevrolet could be met.

Jan Hibbard, 4811 East Julep, Treasurer of the Valley Business Owners (VBO), distributed financial information to Council relative to Brown and Brown Chevrolet. Ms. Hibbard highlighted financial statements contained in the report.

It was moved by Councilmember Giles, seconded by Councilmember Pomeroy, that the request to amend the Redevelopment Agreement for Site 14 regarding Brown and Brown Chevrolet be approved as presented.

Councilmember Kavanaugh indicated that he was not a member of Council when the financial aspects of the proposal were originally voted on but stated that he would not have supported the motion. Councilmember Kavanaugh explained that the request before Council is for the approval or denial of a revision to the agreement and expressed the opinion that the proposed agreement represents an improvement for the City.

Councilmember Stapley spoke regarding the tax advantages of eminent domain. Councilmember Stapley expressed the opinion that the proposed revision will be of benefit to the City of Mesa.

Councilmember Payne spoke in opposition to the motion and discussed the voting record relative to the original Redevelopment Agreement.

In response to a question from Councilmember Payne, Assistant City Manager Mike Hutchinson advised that the property had been under consideration for purchase for some time. Mr. Hutchinson stated that staff reviewed Brown and Brown's past sales tax receipts prior to the sale of the property. Mr. Hutchinson noted that Brown and Brown Chevrolet is a successful business and added that staff is satisfied with the ownership and management.

City Manager Charles Luster advised Council that the project was originally recommended for approval to promote business retention and expansion in the downtown area.

Councilmember Payne indicated opposition to the motion relative to individuals being relocated, what she believes to be the lack of due diligence by the City, past investment history (Site 7 garage), and the potential inability to recover the investment within 10 years.

Upon tabulation of votes, it showed:

AYES - Gilbert-Giles-Kavanaugh-Pomeroy-Stapley  
NAYS - Payne  
ABSTAIN - Brown

Vice Mayor Gilbert declared the motion carried by majority of those voting.

With discussion on this item being completed, Vice Mayor Gilbert yielded the gavel to Mayor Brown.

\*11. Consider continuing the agreement with the Maricopa County Superior Court to provide jurors for the Mesa City Court.

12. Consider the following items from the Transportation Committee meeting held May 23, 1997.

\*a. Recommend the purchase of approximately 33.6 acres at the southwest corner of Greenfield and McKellips Road.

\*b. Recommend staff's proposal relative to charging a deposit in the amount of one month's rent in order to be placed on Falcon Field Airport's waiting list.

13. Adiournment.

Without objection, the Regular Council Meeting adjourned at 7:01 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 2nd day of June 1997. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 7<sup>th</sup> day of July 1997

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BARBARA JONES, CITY CLERK