

# COUNCIL MINUTES

October 16, 2000

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 1<sup>st</sup> Street, on October 16, 2000, at 5:48 p.m.

## COUNCIL PRESENT

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

## COUNCIL ABSENT

Dennis Kavanaugh

## OFFICERS PRESENT

Mike Hutchinson  
Neal Beets  
Barbara Jones

Mayor Hawker excused Councilmember Kavanaugh from the meeting.

Invocation by Reverend Donna Buckles, Church of the Saviour American Baptist.

The Pledge of Allegiance was led by Wesley Hans, Troop No. 259.

1. Approval of minutes of previous meetings as written.

It was moved by Vice Mayor Davidson, seconded by Councilmember Pomeroy, that the minutes of the September 7, 20 and 25, 2000 and October 2, 2000 Council meetings 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 Vice Mayor Davidson, seconded by Councilmember Walters, that the consent agenda items be approved.

Carried unanimously.

3. Consider the following liquor license applications.

\*a. MELINDA JANE LIPSON, EVENT COORDINATOR

Special Event License application for Melinda Jane Lipson, Event Coordinator, Easter Seals Arizona, a one-day charitable event to be held on Friday November 3, 2000, from 5:00 p.m. to 10:00 p.m. at University and Center (parking lot).

\*b. GREGG J. BAUMGARDER, EXECUTIVE DIRECTOR

Special Event License application for Gregg J. Baumgarder, Executive Director, Mesa Association of Sports, a one-day charitable event to be held Saturday, October 28, 2000 from 5:00 p.m. to 11:00 p.m., at 4636 Fighter Aces Dr., Confederate Air Museum.

\*c. MARIA T. RAMOS, AGENT

New Restaurant License for Mariscos del Pacifico, 1724 W. Main Street. This is an existing business. The Restaurant License previously held at this location by Clemente Jerez, Agent, Café Madrid Corporation, never renewed their liquor license for 2000.

d. MANUEL A. TRUJILLO, INDIVIDUAL

New Beer and Wine Store License for Carniceria La Sierra, 730 E. Brown Rd., Ste. 109. This is an existing business, no previous liquor licenses at this location.

Tax and Licensing Director Don Ayers addressed the Council and advised that State law prohibits the issuance of a liquor license if a church is located within 300 feet of the establishment. Mr. Ayers stated that Carniceria La Sierra is located within 50 feet of a church and said for that reason staff is recommending that the request for a New Beer and Wine Store License be denied.

Javier Flores, speaking on behalf of the applicant, Manuel Trujillo, informed the Council that the applicant contacted members of the church and they are not in opposition to the issuance of the license. Mr. Flores also questioned why another business, a 99 Cent Store, was issued a liquor license when that business was located within 300 feet of an existing church.

Rodney Knight, an attorney representing the owner of the 99 Cent Store, advised the Council that his client's liquor license was issued prior to the construction of the church and spoke in opposition to allowing another business to sell liquor in such close proximity to his client's business.

It was moved by Vice Mayor Davidson, seconded by Councilmember Pomeroy, to recommend to the State Liquor Board that the applicant's request for a New Beer and Wine License be denied.

In response to a question from Mayor Hawker, City Attorney Neal Beets advised that State Statute does not address what should occur if the owners of the church are not in opposition to the issuance of the license and said that the applicant will have an opportunity to address this question to the State Liquor Board should he decide to pursue the matter.

Councilmember Walters explained that the Council's authority is limited to forwarding recommendations only to the State Liquor Board and said that since the law clearly states that a liquor license may not be issued to a business that is located within 300 feet of a church, the Council is legally required to recommend that the license be denied.

Carried unanimously.

\*e. CLARE H. ABEL, AGENT

Person and Location transfer Liquor Store License for Wal-Mart Supercenter #1646, 6131 E. Southern Avenue. This is an existing business, no previous liquor licenses at this location. This transfer is from Randy A. Guse, Agent, Walgreens #000802, 3402 W. Camelback Road, Phoenix.  
CLARE H. ABEL, AGENT

4. Consider the following contracts:

- \*a. Two-year renewal of the supply contract for Barricade Rental Services used by the Traffic, Electric, and the Utility Construction Divisions.

The Purchasing Division recommends exercising the two-year renewal option with the original lowest priced proposal by Barricade and Light Rental, Inc. for annual expenditures estimated at \$286,000.00.

- b. Seven automated external defibrillators as requested by the Fire Department.

The Purchasing Division recommends accepting the bid by Agilent Technologies, Inc. at \$24,635.90, including applicable use tax.

Councilmember Walters indicated that she had a potential conflict of interest in connection with this agenda item and would refrain from discussing/participating in any manner.

It was moved by Councilmember Pomeroy, seconded by Councilmember Whalen, that staff's recommendation be approved.

Mayor Hawker declared the motion carried unanimously by those voting (with Councilmember Walters abstaining).

- \*c. Fire tools, hose and related equipment as requested by the Fire Department.

The Purchasing Division recommends accepting the following bids:

Items 1, 11, 17, 27, 30-31, 39, 41 and 43 to First In Inc. at \$10,403.05 plus 7.50% sales tax of \$780.23 for a total of \$11,183.28.

Items 2, 5, 8, 10, 18, 22-26, 34, 40 and 42 to AAA Fire Fighting Equipment LLC at \$7,196.50 plus 7.50% sales tax of \$539.74 for a total of \$7,736.24.

Items 3, 6-7, 9, 12-16, 21, 28-29, 35, 37 and 38 to L.N. Curtis & Sons at \$1,875.75 plus 5.0% use tax of \$93.79 for a total of \$1,969.54.

Items 4, 19, 20, 32-33, and 36 to United Fire Equipment at \$1,442.71 plus 7.0% sales tax of \$100.99 for a total of \$1,543.70.

The combined award is then \$22,432.76 based on estimated requirements.

- \*d. Thirty-two Global Positioning System (GPS) Receivers for Police and Fire vehicles, as requested by the Communications Division. These devices will be used in the Automatic Vehicle Location (AVL) System.

The Purchasing Division recommends authorizing an additional purchase option from RFB #94100 with Trimble Navigation for \$50,635.20 including applicable use tax.

- \*e. Network Hardware to support the Mesa Police Department, as requested by information Services.

The Purchasing Division recommends authorizing purchase from the State of Arizona contract with Ames Business and Learning Environments, Inc. for Cabletron brand network hardware for a total of \$75,897.84, including applicable sales tax.

The Purchasing Division further recommends authorizing purchase from the State of Arizona contract with IKON Office Solutions for Cisco brand network hardware for a total of \$17,644.30, including applicable sales tax. The combined total award is then \$93,542.14.

- \*f. Three automated side loader refuse trucks as requested by the Solid Waste Division.

The Purchasing Division recommends exercising an additional purchase option from RFB #99019 with the original lowest bid meeting specification by Arizona Truck Center, Inc. at \$519,963.07 including applicable sales tax.

- \*g. Two-year supply contract for sodium hypochlorite to be used for odor control at the waste water reclamation plants as requested by the Utilities Department.

The Purchasing Division recommends accepting the low bid meeting specification by Hill Brothers Chemical Co. at \$80,356.25, including applicable sales tax and based on estimated annual requirements. (CONTINUED to the November 6, 2000 Regular Council Meeting.)

- \*h. One ½-ton pickup for Code Compliance, to be used for the Property Maintenance Code enforcement program.

The Purchasing Division recommends authorizing purchase from the State of Arizona contract with Mel Clayton Ford at \$19,635.00 including applicable tax.

- i. Two-year Contract for Domestic Violence Intervention and Shoplifting/Theft Prevention Programs as requested by the City Prosecutor's Office.

The Purchasing Division recommends accepting the proposal by Justice Services, Inc. for a domestic violence intervention program consisting of a 1-hour screening interview and sixteen 2-hour weekly group therapy sessions for a cost of \$300 per participant. Justice Services also offers a shoplifting/theft prevention program consisting of a 1-hour screening interview, plus one 6-hour

therapy session for \$160 per participant. For both programs, each participating defendant pays the program costs.

Mayor Hawker commented that staff gave a brief presentation on this important program at the Study Session held immediately prior to this meeting.

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

Carried unanimously.

- j. Two-year renewal of the supply contract for heated soft water and rental of an asphalt distributor with an operator as requested by the Transportation Division.

The Purchasing Division recommends exercising the two-year renewal option with the overall low bid by Copperstate Emulsions, Inc. at \$10,566.00 based on estimated annual requirements.

Mayor Hawker indicated he had a potential conflict of interest in connection with this item and said he would refrain from discussing/participating in any manner.

Mayor Hawker passed the gavel to Vice Mayor Davidson for action on this agenda item.

Vice Mayor Davidson declared the motion carried unanimously by those voting (with Mayor Hawker abstaining) and passed the gavel back to the Mayor.

- \*k. Electrical and Mechanical Upgrades at Falcon Field Police Heliport. City of Mesa Project No. 00-26.

This project will install an improved lighting system and heating system within the City maintained hangar at Falcon Field Airport.

Recommend award to low bidder, Arizona Southwest Construction, in the amount of \$28,175.00.

- \*l. Abandon and Re-drill Desert Sage Well No. 9. City of Mesa Project No. 01-20.

This project will abandon an existing well which is no longer serviceable and re-drill the well immediately adjacent to the old one.

Recommend award to low bidder, Zim Industries, Inc., in the amount of \$387,605.00.

- \*m. Five front loading refuse trucks for the Solid Waste Division, to be used for collection of commercial and multi-family solid waste accounts.

The Purchasing Division endorses the evaluation team's recommendation to accept the proposal by Arizona Truck Center at \$846,442.65 including desired options, extended warranties and applicable sales tax.

5. Introduction of the following ordinances and setting November 6, 2000 as the date of public hearing on these ordinances:

- \*a. Establishing a 45 mph speed limit on Recker Road from Adobe Street to Evergreen Street; reducing the speed limit from 45 mph to 35 mph on Stapley Drive from McKellips Road to June Street; prohibiting parking on the north side of Hermosa Vista Drive from 32<sup>nd</sup> Street to a point 715 feet east of 32<sup>nd</sup> Street, on the north side of Hermosa Vista Drive from Val Vista Drive to a point 280 feet west of Val Vista Drive, on the south side of Hermosa Vista Drive from Val Vista Drive to a point 230 feet west of Val Vista Drive, on the east side of Hobson from a point 150 feet south of 3<sup>rd</sup> Street to a point 120 feet north of 3<sup>rd</sup> Street; and prohibiting southbound left turns from the driveway on the north side of Hermosa Vista Drive with the centerline approximately 1,322 feet east of 32<sup>nd</sup> Street; as recommended by the Transportation Advisory Board.

6. Consider the following resolutions:

- \*a. Extinguishing a Public Utility and Facility Easement at 2512 East Main Street – Resolution No. 7573.

This mobile home park is being remodeled and the existing utilities are being relocated making this easement no longer necessary.

- \*b. Approving the Disposition and Development Agreement between the City of Mesa and ILR Holdings, Inc. for the redevelopment of the Former Bank One building located at 1 North Macdonald Street (Site 21) – Resolution No. 7574.

7. Consider the following ordinances:

- \*a. **A00-1** Areas East of North Ellsworth Road to North 96<sup>th</sup> Street and areas South of the Signal Butte Floodway to East Adobe Road. (172.06± acres). Initiated by the property owners – Ordinance No. 3814.
- \*b. **A99-4** The area North of Williams Gateway Airport to Warner Road and West of Ellsworth Road to the East right of way line of the RWCD Canal. (1571.41± acres). Initiated by the property owners – Ordinance No. 3815.

8. Consider the following items from the General Development Committee:

- a. Recommend staff's recommendation that the City enter into two Memorandums of Understanding (MOU) between Lenhart's Ace Hardware and Palm Court Investments for the redevelopment of Site 24 be approved.

Redevelopment Director Greg Marek presented the audience with a brief overview of this agenda item and said that the project involves the expansion and retention of Lenhart's Ace Hardware store and includes the expansion of the Mesa Discount Appliance Store and additional space which will be leased. Mr. Marek noted that the project will be a joint partnership utilizing the services of one architect and will also involve Spencer's TV & Appliances, which will move into the space occupied by Lenhart's. Mr. Marek noted that the project includes 80,000 square feet of space, 50,000 of which will be leasable and added that the project will have the appearance of a two-story building.

Additional discussion ensued relative to the proposed gateway feature and the fact that staff believes it to be appropriate for the area, future plans for bus stops and a light rail system, right-of-way required for a transit station, a fiscal impact analysis and project value, the fact that \$9.7 million will be the public investment, \$8.4 will be the private investment and \$1.3 million will be the City's participation in the form of land acquisition, demolition and relocation expenses.

Mr. Marek stated that the project will generate a one-time revenue contribution to the City in the amount of \$94,000, resulting from building permit fees and a one-time tax on building materials and will generate new revenues in the future. Mr. Marek said that the City will recuperate its investment in the project in nine years and discussed the positive impacts of the proposal on the entire City.

Councilmember Pomeroy spoke in support of the proposal and stated for the record that it is his understanding that the project will include extensive landscaping, particularly on the corner of Main Street and Country Club Drive, and stressed the importance of ensuring an aesthetically pleasing entrance to the City.

Verba Sue Stone, P.O. Box 802, Avondale, AZ, stated that she and her family have a financial interest in the property and questioned who gives the City Council the power and authority to give someone's private property to an individual for eminent domain. Ms. Stone stated that she has owned the property for over 70 years and the Moses Brothers, who have tried to purchase the property from her numerous times, are now going to be given her property compliments of the City of Mesa.

Mayor Hawker stated that the City Attorney, Neal Beets, will respond to her comments.

Mr. Beets informed Ms. Stone that State law contains a chapter that relates to redevelopment of property and said that the State Legislature has given authority to the City Council to designate property for redevelopment projects. Mr. Beets said that in this particular case, the City has followed the proper process and has the authority to acquire the property, either through voluntary purchase or eminent domain. Mr. Beets emphasized that should the property be taken by eminent domain, just compensation will be paid and added that should the case wind up in court, a judge and jury will then decide the final settlement amount.

Marsha Williams, P.O. Box 3074, Casa Grande, said that she is also an owner of property at that location and questioned when the City plans to notify the property owners of the pending acquisition/eminent domain proceedings. Ms. Williams added that the property has been appraised as a large, single parcel of land and said she is interested in knowing the exact value of her piece of property. Ms. Williams added that she would also like to know the intended use for her particular parcel of land.

Mr. Beets stated that this agenda item relates to the execution of a Memorandum of Understanding and merely begins the process and said that City staff, including members of the City Attorney's Office and the Redevelopment Office, will meet with the property owners to discuss this matter. Mr. Beets said that at this time the City is seeking approval to move forward and if the approval is granted, the appraisal process will begin.

Mr. Marek discussed the notification process and said that letters are being mailed to all the owners and hand delivered notices are going out as well. Mr. Marek stated that he and his staff would be more than willing to meet and discuss this issue in more detail with anyone who wishes. Mr. Marek advised that appraisals have not been done pending approval to proceed and added that the City encourages the developers to purchase property on their own to the extent possible.

Mayor Hawker commented that he will provide Mr. Marek with the names and addresses of the speakers so that he can respond to their questions and concerns.

Patrick Dennis, 434 West Main Street, the owner of the MAACO building at that location, informed the Council that he had contacted the staff of the Redevelopment Office and asked if he could participate in the redevelopment project but was told that he could not.

Mr. Marek advised that the Request for Proposals was issued and the City received three proposals, two of which were selected. Mr. Marek stated the opinion that Mr. Dennis is referring to whether his business could be incorporated into the site plan and said that in reviewing the plans, staff determined that the addition of his business was not feasible.

Jay Christensen, 441 West Pepper Place, speaking of behalf of Lyle Christensen, said that his parents have been involved in this process for a considerable amount of time and City staff has been extremely helpful. Mr. Christensen said that his parents have resided at that location for 34 years and were informed that they will have to relocate. Mr. Christensen stated that at the suggestion of City staff, his parents have located new housing and he requested that for his parents sake, the Council expedite the process and allow them to settle into their new home and resume their normal lives. Mr. Christensen said that his parents have already gotten an appraisal on the property and are requesting fair and reasonable relocation expenses. Mr. Christensen added that the situation is stressful on his parents and he is anxious to have them resettled and the situation finalized.

Mayor Hawker thanked Mr. Christensen for his comments.

Mr. Marek stated that appraisals will occur after the Council approves the Redevelopment Agreement that is still being prepared. Mr. Marek stated the opinion that the agreement will be presented to the Council at either the first or second Regular Council Meeting in November. Mr. Marek said that the Council will be presented a contractual formal agreement and once that is approved, the Real Estate Department will be authorized to begin appraisals and that usually takes approximately six weeks to accomplish. Mr. Marek added that at this point the negotiation process also begins.

City Manager Mike Hutchinson informed the Council that staff is aware of the Christensen family's urgency to have this matter settled and will do everything possible to move the process along as quickly as possible.

Additional discussion ensued relative to the appraisal process, condemnation proceedings, the fact that should a dispute arise over an appraisal, the City usually will have a second appraisal performed, and the fact that typically negotiations are successful and the City and owners come to a mutual decision on price but added that occasionally market value of a parcel is substantially less than the amount the owners are requesting and those few situations are typically settled in court.

Mayor Hawker commented that redevelopment projects involving property condemnations and eminent domain proceedings are extremely difficult decisions to render and said that the City would prefer that the developers acquire the property on their own.

Councilmember Pomeroy stressed the importance of remaining sensitive to the citizens' concerns as we move through this process and noted that this proposal has received the unanimous support of the Downtown Development Committee.

It was moved by Councilmember Pomeroy, seconded by Councilmember Whalen, that staff's recommendations be approved.

Councilmember Whalen said that last week Councilmember Jaffa referred to this project as "just another hardware store in the downtown area" and commented that he totally disagrees with that statement. Councilmember Whalen stated the opinion that this project is just the start of what will be a great project and commended the families who have decided to stay in Mesa and operate their businesses here. Councilmember Whalen said that he sympathizes with the property owners and hopes that fair and equitable settlements can be reached for all of the parties involved.

Councilmember Walters expressed the opinion that issues involving family history are often difficult to resolve and informed the citizens that there was no intent on the part of the City to keep them out of the loop. Councilmember Walters commended the citizens for the contributions they have made to the City of Mesa and emphasized the City's willingness to work with them throughout this process.

In response to a question from Mayor Hawker, Mr. Marek stated that to date Mr. Lenhart has accumulated one half of the property he needs for the footprint of the building.

Mayor Hawker commented that he does not favor condemnation but does appreciate the fact that the parties that are involved in this project have expended effort to acquire the land on their own without City assistance. Mayor Hawker said that to him the crucial issue is the displacement of people rather than the ultimate project and added that although State law supports this process, he would not want to be treated in this manner and therefore is hesitant to treat others in this manner. Mayor Hawker commented that the property owners will be adequately compensated and relocated and said that the final negotiations are typically very fair.

Vice Mayor Davidson stated that he sympathizes with the Mayor's concerns regarding this process but stressed the importance of taking advantage of the tools that are legally available for use by the City in order to benefit the whole community.

Carried unanimously.

- \*b. Recommend staff's recommendation not to pursue at this time the extension of the holiday lighting season to year round and the utilization of white lights rather than multi-colored lights on trees, be approved.

9. Consider the following subdivision plats:

- \*a. "STAPLEY MARKET PLACE" The 1500 - 1700 blocks of South Stapley Drive (west side) 5 M-1 commercial lots (10.70 ac.) SWC I60 Stapley, L.L.C., developer; Gervasio & Associates, Inc., engineer.

10. Items from citizens present.

Carol Owens, P.O. Box 1017, Apache Junction, spoke in support of Proposition 202 and in opposition to Propositions 100 and 102.

11. Adjournment.

It was moved by Vice Mayor Davidson, seconded by Councilmember Pomeroy, that the Regular Council Meeting adjourn at 7:06 p.m.

Carried unanimously.

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KENO HAWKER, MAYOR

ATTEST:

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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 16th day of October 2000. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this \_\_\_\_ day of \_\_\_\_\_ 2000

\_\_\_\_\_  
BARBARA JONES, CITY CLERK

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