



COUNCIL MINUTES

January 5, 2004

The City Council of the City of Mesa met in a Regular Council Meeting in the Council Chambers, 57 East 1st Street, on January 5, 2004 at 5:45 p.m.

COUNCIL PRESENT

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

COUNCIL ABSENT

None

OFFICERS PRESENT

Mike Hutchinson
Debbie Spinner
Barbara Jones

Invocation by Sr. Pastor Howard Diamond, Newlife Foursquare Church.

Pledge of Allegiance was led by Mayor Hawker.

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.

"State of the City" Address by Mayor Hawker.

It's my pleasure to begin tonight's meeting with the annual State of the City address. This tradition was started by former Mayor Wayne Pomeroy. As I recap 2003, it's important to recognize Mesa is now the 40th largest city in the U.S., larger than St. Louis, Miami and Pittsburgh.

2003 was a year of progress for the nation and the City of Mesa. It marked the end of major combat operations in Iraq and the beginning of the rebuilding process.

In Mesa, our accomplishments included approving the City's Building Rehabilitation Code; opening Fire Stations 202, 217 and 206 and constructing Fire Station 201; launching the Utilities Customer Information System (CIS) and introducing the new utility bill which allows for voluntary ABC contributions; opening the newly-expanded Arizona Museum for Youth; hosting spring training baseball with the Chicago Cubs. (They'll be back for more this spring as ESPN televises their March 4th opener against the Giants at Hohokam Stadium. I'll be the third base usher throughout the season. Stop by and say hello.); forming the Fiesta Mall Super Regional Retail District; working with the governor and State Legislature to protect state-shared revenue; launching Mesa's online processing of building

permit and code compliance cases; on December 5, we hosted the 5th annual Merry Main Street which was enjoyed by 40,000 people; the Mesa Arts Center capital campaign goal of \$3.7 million was surpassed, raising \$4.7 million. The project is 61.18% complete and is on target with its budget (\$94.4 million plus \$3.7 million from the Arts and Entertainment Alliance.)

Our accomplishments also included opening the Transit Maintenance Facility at Greenfield and the Red Mountain Freeway, with room for a future Park-N-Ride facility; developing a partnership between Sky Harbor Airport and Williams Gateway Airport to attract air cargo service. Each entity contributed \$100,000 toward this effort; launching chartered passenger service from WGA to Laughlin and Reno; successfully using new Police Department "bait" cars to reduce car theft; creating an ad hoc citizens committee to improve communication and interaction between the Police Department and Mesa residents; and creating the Mesa Housing Master Plan, thanks to 15 dedicated residents who gave their time and energy.

My thanks to City staff who work on these projects and implement the policies established by the Mesa City Council. With the development of the Mesa 2025: Financing for the Future Citizens Ad Hoc Committee in 2004, we will look for additional ways to limit the growth of government to population and inflation while providing quality services to our residents.

As Mayor, I continue to advocate a common-sense approach to government and streamline City services for Mesa residents. One example of this is our policy to replace like-for-like water heaters, evaporative coolers and appliances. Residents contacted my office to question why it was necessary to spend the time and money to acquire a City permit in order to replace an existing appliance. Having installed a water heater without a permit, I was anxious to change City policy. No safety concerns were sacrificed and we achieved a result that is less expensive and less time consuming for Mesa residents.

Progress was also made in 2003 relative to the Building Rehabilitation Code. Minor improvements can now be made without bringing entire buildings into compliance with all existing codes.

These are two examples of the progress made possible in 2003 because we, as a Council, applied a common-sense approach to City policies.

2003 was a year in which the City of Mesa continued our commitment to diversity through our 3rd Annual Diversity Conference. We implemented diversity programs and realized improvements in the diversity of our workforce. We now have 119 additional minority employees compared with May of 2000 and this occurred during a selective hiring freeze.

We also sought increased diversity through our citizen boards and committees. It's a pleasure to report that diversity on these volunteer boards has improved by about 20% in the past three years.

Progress was also achieved in the following five areas: Land Use; Transportation; Government Investment; Private Investment; and Education. I refer to these components as the "Puzzle Pieces" for Mesa's future.

I'll begin with the first piece of the puzzle: Land Use. Mesa 2025, our General Plan update, was passed by voters in November 2002 with a 66% majority. This is our roadmap to increase Mesa's job-to-housing ratio. Our analysis shows we must add 3.56 jobs for every new housing unit to achieve our target of .56 jobs per resident. The key to accomplishing this is to maintain our focus on creating employment centers and fostering business growth through economic development.

In 2003, we proactively initiated rezoning of residential land around Williams Gateway Airport to ensure growth in southeast Mesa is compatible with airport operations.

As a Council, we faced a major amendment challenge, but we remain committed to the Land Use component of the Mesa 2025 General Plan update. This is our guide as we move from a bedroom community to a boardroom community. Land Use is the puzzle piece most important to the development of employment centers and the creation of good jobs for our residents.

2003 also was the year we received the Bailey's Brake Service ruling from the Court of Appeals. The Court issued considerations to be evaluated in determining public versus private uses, and personally, I am pleased with its guidance. In a follow-up to the Court's ruling, we are creating a Citizen's Redevelopment Review Committee and seeking its recommendations for policy improvements.

The second piece of the puzzle is Transportation. The East Valley portion of the regional freeway system is nearing completion! The Red Mountain Freeway from Higley to Power will be under construction in 2004 and the Santan Freeway from US 60 to Elliot will be open before the end of 2004.

As Mesa's population grows from 440,000 to 650,000, we must provide for transportation needs. In order to fund a comprehensive transportation network, voters will be asked to approve the extension of the half-cent Maricopa County sales tax. This half-cent transportation sales tax has paid for our freeways since 1985.

With our freeway system nearing completion, today's transportation needs are multi-modal: freeways, arterial streets and transit. Over the past two years, business and community leaders came together through the Maricopa Association of Governments, or MAG, to create a plan for the extension of the half-cent sales tax. The result is the Regional Transportation Plan, which will provide comprehensive transportation options for our residents.

If the extension is approved, the City of Mesa will receive \$1.9 billion over a 20-year period to construct an HOV lane on freeways that currently don't have one. A general-purpose lane also will be added in each direction. The funds will support the creation of a super-grid regional bus system with enhanced service levels and improved carrying capacity on major arterial streets.

Mesa's funding will be distributed with 51% for freeways, 29% for transit and 20% for arterial streets. Regional equity is extremely important to me and I can assure you that if passed, Mesa residents will receive our fair share of the funding in a timely manner. I encourage you to support this half-cent sales tax extension which we are asking the Legislature to place on the May ballot.

Our ability to provide jobs for residents is directly related to our transportation network. Thank you to our dedicated residents who served on the Citizens Transportation Advisory Committee. These residents examined local transportation needs and prioritized projects for our build-out population forecast of 650,000.

Government Investment is the third piece of the puzzle and is essential to providing a high quality of life and creating needed community resources.

In 2003, we continued our commitment to neighborhoods. We worked to revitalize and develop community pride by opening the Red Mountain Library, dedicating additional parks and providing

community rooms in our Public Safety facilities. Hopefully, our proposed Aquatics Center will someday be listed among our community assets.

Bonds play a major role in Mesa's ability to finance important infrastructure projects without a tax increase. Voters will be asked to approve a bond package this March. These bond projects are the highest priority of our capital needs Citywide for the next several years. The projects include water, natural gas and wastewater infrastructure, neighborhood and street flood control, emergency fire protection and medical response, Public Safety, parks, and transportation improvements.

These projects are not a "wish list." They are improvements essential to providing reliable services to our community. I encourage you to join me in supporting them in the March Primary Election.

2003 marked the opening of major capital projects at Williams Gateway Airport including a cargo ramp. This project is the result of a major Federal, State and local government partnership. Thanks to Senator Jon Kyl and Congressman J.D. Hayworth for their support of this project and the Federal monies they have secured.

I believe the United States is a sovereign nation and on a Federal level should secure our borders and provide a lawful means for nonresidents to apply for entry. I want to thank Congressman Jeff Flake's office for accepting my invitation to tour Mesa and for policy development on immigration issues. I will continue to work with our Congressional delegation in 2004 toward the creation of a legal, safe and orderly policy to allow guest workers the flexibility of employment and the option of returning to their homelands.

I thank Senator John McCain for his work on the immigration issue and also his continued support for the base reuse at Williams Gateway Airport, including his efforts working with the FAA to assume full operations of the WGA control tower.

Williams Gateway celebrated its 10th anniversary in 2003. The former Air Force Base now hosts more than 3,000 jobs and nearly 6,000 students. MAG projections show this economic center will ultimately host 100,000 plus jobs if we protect the airport from residential encroachment and ensure there is adequate land available for job development.

Another Government Investment project set to begin in 2004 involved revitalizing the Nuestro Neighborhood. A comprehensive neighborhood plan and applications for more than \$600,000 in grants will be coordinated through partnerships between several City divisions including Housing, Solid Waste, Code Compliance and Neighborhood Outreach.

At the regional level, we continue to work with our Salt River Pima-Maricopa Indian Community neighbors and the Army Corps of Engineers to create Va'Shlay Akimel, a vibrant riparian habitat in the abandoned Salt River bed from Tempe Town Lake to the Granite Reef Diversion Dam in East Mesa. As we near completion of the feasibility study, I thank Congressmen J.D. Hayworth and Ed Pastor, as well as Senator Jon Kyle, who provide valuable support. Va'Shlay Akimel, which means "Salt River" in the Salt River Pima-Maricopa language, will distinguish our region and serve as a model for river restoration projects. These before and after photos illustrate the impact our project will ultimately have.

In 2003, Mesa also signed an historic water settlement with the Gila River Indian Community. The GRIC settlement, as it is known, provides for a water exchange from the City of Mesa to the Gila River Indian Community.

Government Investment creates synergy to stimulate private investment and interest. This puzzle piece will be of particular importance as we continue to encourage economic growth in our community.

Private Investment is the fourth piece of the puzzle. We attracted many new businesses in 2003, including U.S. Positioning, Silverstate Helicopters, Air EVAC, and Longbow Golf Course reopened with a new business park, thanks to the efforts of Bob McNichols.

The Pilot Neighborhood Opportunity Zone in District 1 wrapped up in 2003. The results include seven newly registered neighborhoods within the Opportunity Zone boundaries. Residents, businesses and schools in the Opportunity Zone invested more than \$13 million in our community. More importantly, the investment continues in these neighborhoods even today. Additionally, 425 code compliance cases were closed because of voluntary compliance.

As Mayor, my focus is to recruit private investors who recognize synergy and foot traffic created through Government Investment in public facilities including the new Mesa Arts Center. Private companies can then complement Government Investment, resulting in downtown revitalization and infill development.

Our fifth and final puzzle is Education. An important component of success is our ability to provide a skilled workforce to attract high tech employers. Fortunately, we have many partners in this effort including Arizona State University East, Chandler-Gilbert Community College, Embry-Riddle Aeronautical University, A.T. Still University and Dental School, UND Aerospace, and Mesa Community College, which currently has two full-service campuses in Mesa and is working with us to evaluate the potential for an expanded downtown presence.

Cooperative education relationships offer unique opportunities to partner with business to provide a trained workforce for Mesa's developing job centers.

Land Use, Transportation, Government Investment, Private Investment and Education. 2003 was a year of great accomplishments because we identified and actively integrated these concepts into daily planning and governing. The result is our vision for Mesa is becoming a reality.

As Mayor, I am fortunate to work with the six talented members of the Mesa City Council. We work in concert, combining our strengths and expressing our viewpoints. Working as a team, we capitalize on each member's expertise and the residents of Mesa benefit from our collective talents.

Dennis Kavanaugh, Vice Mayor, is diligent in his service to his constituents. He is Chair of the National League of Cities' Information Technology and Communications Steering Committee, Chair of the Council General Development Committee and will be transitioning to Chair of the Police Committee. Vice Mayor Kavanaugh also serves on the Banner Desert Advisory Board and the MCC Commission on Excellence in Education. Dennis is an articulate and talented Vice Mayor.

Claudia Walters represents Council District 1. Claudia tackles every issue in a thoughtful and eloquent manner. She represents Mesa through the National League of Cities' Community and Economic Development Steering Committee, as Chair of the Council Fire Committee and as Chair of the MAG Elderly Mobility Task Force. Distinguished by her great analytical skills, Councilmember Walters also serves on the Municipal Tax Code Committee. I respect and admire Claudia's dedication to education and extensive neighborhood involvement.

Mike Whalen is a former Assistant Police Chief and a current member of the National League of Cities' Homeland Security Working Group. He is Chair of the Council Transportation Committee and serves on the Mesa Convention and Visitors Bureau Board of Directors and the MAG Regional Committee on Homelessness. Mike has established a reputation as a Council negotiator, raising more than \$40,000 for holiday lights downtown this year and creating an example for all of us as we work with the Mesa Town Center Corporation to raise money for next year's lighting. He is an articulate representative of District 2 and the business community.

Kyle Jones is the councilmember for District 4, the heart of Mesa. Kyle serves on the NLC's Public Safety and Crime Prevention Policy Committee. He is Chair of the Council Finance Committee and will serve as Chair of the Mesa 2025: Financing for the Future Ad Hoc Committee. This project will kick off this month and will include an in-depth examination of Mesa's revenues and expenditures as well as policy recommendations to the Council. Kyle has found himself in the position of casting the deciding vote on more than one occasion when the Council was split 3-3; however, he has informed me that in 2004, he plans to avoid this precarious position by expressing his viewpoint early in our Council discussion.

District 5 is represented by Rex Griswold. Councilmember Griswold served as Chair of the Council Police Committee in 2003, but because he recently acquired a new son-in-law who serves with the Mesa Police Department, he now will Chair the General Development Committee. Rex serves on the Mesa Chamber of Commerce Board of Directors in addition to the Gang Prevention Steering Committee. He is an enthusiastic representative of Mesa and District 5.

Representing District 6, Janie Thom always speaks her mind and stands by her political philosophies even when it means being the only dissenting vote. She serves as Chair of the Council Utility Committee, is a Charter member of the ASU East Education Advisory Council, and works with our Mesa Legislators on a wide variety of issues. I appreciate Janie for her willingness to ask the difficult questions.

The strengths and abilities of each of our Mesa City Councilmembers improve our policy decisions. We are here because the citizens trust us to do what is in their long-term best interest. We work in partnership with residents, business leaders, staff and community stewards, all of who are essential to our progress. I would like to thank everyone involved in this effort, including the Mesa Chamber of Commerce, the Mesa Convention and Visitors Bureau, the Mesa Town Center Corporation, the East Valley Partnership, and the Mesa United Way.

I also appreciate the excellent work of our City Manager Mike Hutchinson who oversees the staff that implements the policies we set. He received two significant awards this year: the 2003 Workplace Diversity Professional Development Award from the International City/County Management Association and the 2003 Distinguished Achievement Award from ASU's College of Extended Education. Both of these awards are a tribute to his efforts to create a work environment true to the motto "Great People; Quality Service!" I enjoy working with him and value his dedication to Mesa.

As a Council, our number one priority is Public Safety. In 2003, Mesa created an Emergency Management Division to focus on disaster and terrorism prevention and preparedness efforts. Cliff Puckett, Mesa's Emergency Manager, leads this effort as the only City official appointed by the Governor to her Homeland Security Coordinating Council. Mesa's active participation has resulted in \$1.5 million in U.S. Department of Homeland Security grants. Mesa also has received a contract with

the Department of Homeland Security for \$280,000 to enhance the Metropolitan Medical Response System Terrorism Response Plan.

The education of Mesa residents and employees is the priority of our Emergency Management Program. More than 1,000 City employees received training and two new educational programs for residents will be implemented this month.

A Community Emergency Notification System (CENS) also was created in 2003, thanks to a regional effort led by MAG. CENS is a rapid notification system that will be used to contact the public by phone during an emergency. Residents will receive a recorded message telling them the nature of the emergency and what steps they should take to eliminate any risks associated with the emergency. If you are called, please don't hang up. Listen to the message.

Finally, as I look ahead to 2004, I hope all of you will join me in welcoming Sue, the world's largest dinosaur, to the Mesa Southwest Museum.

Thank you for the opportunity to share Mesa's progress with you tonight. I hope you've caught the spirit of our advancement and are excited about our future.

The Mesa City Council and I have another exciting and busy year ahead of us. I am confident we are up to the challenges and will continue to work through the key elements: Land Use, Transportation, Government Investment, Private Investment and Education. Our continued success with these components will ensure the realization of our visions of Mesa as an outstanding place to live, learn, work, play and shop.

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 Walters, that the consent agenda items be approved.

Carried unanimously.

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

Minutes from the November 6, 20, and December 15, 2003 City Council meetings.

3. Conduct a Public Hearing and consider an amendment to the land use map for the following Minor General Plan Amendment:

- *a. **GPMinor03-03 (District 6)** The 5800 block of East Southern Avenue (south side) on the east side of the Roosevelt Water Conservation District Canal. Generally located south and east of Southern Avenue and Higley Road. Change the Land Use Map from high-density residential to medium-density residential. This will allow for development of a 139-lot residential development with 7.09 du/ac. **CONTINUED FROM THE NOVEMBER 3, DECEMBER 1 AND 15, 2003 COUNCIL MEETINGS. (See Item #8e and Item #11b). CONTINUED TO THE JANUARY 20, 2004 COUNCIL MEETING.**

- b. **GPMInor03-04 (District 6)** Southeast corner of Crismon Road and US 60 Freeway (32.26 ac.±). Proposed change to the General Plan Land Use Map from High Density Residential (HDR) 15+ dwelling units per acre to Medium Density Residential (MDR) 6-10 dwelling units per acre. Mike Hare, owner; Pew and Lake, P.L.C., Sean Lake, applicant. **(See Item #8f and Item #10j).**

Mayor Hawker announced that this is the time and place for a public hearing regarding the southeast corner of Crismon Road and US 60 Freeway (32.26 ac.±).

Carol Owens, P. O. Box 1017, Apache Junction, addressed the Council and expressed support for the matter.

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

4. Consider the following liquor license applications:

*a PAMELA KAY DONNER, AGENT

New Beer and Wine Store License for Chevron Food Mart, 1956 E. Southern Avenue. This is an existing business. The Beer and Wine Store License previously held at this location by Randy D. Nations, Agent, Chevron Stations, Inc., will revert back to the State. District #4.

*b. MUKHPAL SINAH TOOR, AGENT

New Beer and Wine Store License for Chevron Food Mart, 1155 S. Higley Road. This is an existing business. The Beer and Wine Store License previously held at this location by Randy D. Nations, Agent, Chevron Stations, Inc, will revert back to the State. District #6.

*c MICHAEL WAYNE HUFFSTUTTLER, AGENT

New Beer and Wine Store License for Eckerd Drugs #5358, 25 S. Val Vista Drive. This is new construction. No previous liquor licenses at this location. District #2.

*d JOHN G. KALA, AGENT

New Beer and Wine Store License for Shop Kwik & Deli, 323 N. Gilbert Road, Suite 101. This is an existing business. The Beer and Wine Store License previously held at this location by Osama S. Gani, Individual, Shop Kwik & Deli, will revert back to the State. District #2

*e. YASSER HUSSAN MAJED, AGENT

New Beer and Wine Store License for Speedsmart, 6807 E. Baseline Road. This is an existing business. The Beer and Wine Store License previously held at this location by Carlos A. Guerra, Agent, Giant Industries Arizona Inc., will revert back to the State. District #6.

5. Consider the following Bingo application:

- *a. Hometown Crescent Run – District #6
Colette A. Bergeron, Manager
8500 E. Southern Avenue
Mesa, AZ 85208

6. Consider the following contracts:

- *a. Two-year renewal of the supply contract for emergency directional light system as requested by the Communications Division.

The Purchasing Division recommends exercising the two-year renewal with the original low bid meeting specification by The Lighthouse, Inc. (alternate bid) for annual purchases estimated at \$26,758.80 based on estimated annual requirements.

- *b. Supply contract for liquid chlorine for warehouse inventory to be used for treating the water in public swimming pools and at municipal wells.

The Purchasing Division recommends authorizing purchase from a City of Tempe cooperative bid with DPC Enterprises at \$59,801.15 based on estimated annual purchases.

- *c. Additional purchase option for printing and distribution of 221,000 Water Quality Brochures as requested by the Utilities Department.

The Purchasing Division recommends accepting an additional purchase option with the original low bid by Onsite Business Service at \$16,396.38. Additional City paid expenses for Spanish translation and postage charges will bring the total estimated cost for this project to \$44,146.38.

- *d. Three-year supply contract for pad mounted transformers as requested by the Electric Division.

The Purchasing Division recommends accepting the bid with the lowest evaluated life cycle cost by Border States at \$236,730.36 based on estimated annual purchases.

- *e. Deleted.

- f. Stapley Drive Waterline Replacement from Brown Road to McLellan Road, Project No. 01-579-001.

This project will create a more reliable water distribution system by replacing a waterline within the City Water Zone that currently requires above average maintenance. The replacement consists of nearly 3,000 feet of 12-inch waterline in Stapley Drive from just south of Brown Road to just north of McLellan Road, as well as over 330 feet of 8-inch and 6-inch waterline to re-connect to existing service lines at Grandview, Halifax, Harvest and McLellan Road.

Recommend award to low bidder, Woods Construction Company, in the amount of \$254,116.09, plus an additional \$25,411.61 (10% allowance for change orders) for a total award of \$279,527.70.

Mayor Hawker declared a potential conflict of interest on items 6f, 6g and 6i and said he would refrain from discussion/participation in these agenda items. He yielded the gavel to Vice Mayor Kavanaugh for action on these agenda items.

It was moved by Councilmember Thom, 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.

- g. Desert Well #12 equipment and piping; and drainage connections at Desert Wells #6 and #7, Project No. 02-043.1.

This project will install piping, pump, motor, chlorine facility, mechanical and electrical equipment to connect Desert Well #12 to the City's water system. Additionally, the project will connect the discharge piping at Desert Wells # 6 and #7 to the existing storm drain system to improve the operational efficiency.

Recommend award to low bidder, Weber Group, L.C. in the amount of \$352,321.00, plus an additional \$35,323.10 (10% allowance for change orders) for a total award of \$387,644.10.

It was moved by Councilmember Griswold, 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.

- *h. Rhodes Junior High School Pool Replaster, Project No. 03-911-001.

This project will replace the plaster surface, lane lines and target tiles, as well as stair tiles, ladders and light rings as required for the plaster work to be completed.

Recommend award to low bidder, Swimming Pool Service and Repair, in the amount of \$54,685.31, plus an additional \$5,468.53 (10% allowance for change orders) for a total award of \$60,153.84.

- i. CAP Water Treatment Plant 24 MGD Expansion, Project No. 02-012.

This project will increase the capacity at the existing CAP WTP by 24 MGD. The existing capacity is now 48 MGD and after the construction of this project, the total capacity will be 72 MGD.

Recommend award to low bidder, PCL Civil Constructors, in the amount of \$37,295,130.00, plus an additional \$3,729,513.00 (10% allowance for change orders) for a total award of \$41,024,643.00.

It was moved by Councilmember Griswold, seconded by Councilmember Walters, 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.

- *j. Mesa Arts Center Sign Package, Project No. 99-70.1.

This project will install a large variety of signs including interior and exterior identification signs, exterior monument signs, direction signs, donor recognition signs and large banner pole signage.

Recommend award to low bidder, Architectural Graphics, Inc., in the amount of \$646,179.37, plus an additional \$64,617.94 (10% allowance for change orders) for a total award of \$710,797.31.

7. Introduction of the following ordinances and setting January 20, 2004, as the date of public hearing on these ordinances:

- *a. Pertaining to the regulation governing water flowing upon streets by transferring such regulation from Title 6 to Title 8, of the Mesa City Code; deleting Section 6-1-14; and amending Section 8-6-3.
- *b. Creating the Mesa Housing Services Governing Board and establishing the membership and the powers and duties thereof.
- *c. **Z03-12** The 4400 block of East McLellan Road (south side – south of McKellips, east of Greenfield). (1.70 ac±). Rezone from R-3 to R-3 PAD. This case involves the

development of an apartment complex. John Bellerose, owner; Randy Carter, Dreamcatchers Planning & Design, applicant. **(Council District 5)**

- *d. **A03-04** Annexing the northeast corner of North Sossaman Road and East Willetta Street. (2.86± acres). Initiated by the property owner. **(Council District 5)**
- *e. **A03-05** Annexing the northwest corner of South Signal Butte Road and East Pecos Road. (36.37± acres). Initiated by the property owner. **(Council District 6)**
- *f. **A03-11** Annexing the area south of East Hermosa Vista Drive to East McKellips Road, and west of North Sossaman Road to the Central Arizona Project Canal. (150.2± acres). Initiated by the property owners. **(Council District 5)**
- *g. **A03-12** Annexing certain properties south of University Drive and east of Crismon Road between N. 101st Circle and 102nd Street. (2.4± acres). Initiated by the property owners. **(Council District 5)**
- *h. **A03-13** Annexing areas on the east and west sides of Ellsworth Road north of Main Street (38± acres). Annexation initiated by the property owners. **(Council District 5)**

8. Consider the following resolutions:

- *a. Extinguishing a drainage easement located at the northwest corner of Inverness Avenue and Stapley Drive – Resolution No. 8165.

This easement is no longer required.
- *b. Extinguishing a portion of a waterline easement and a public utility easement at the southeast corner of Lindsay Road and Southern Avenue – Resolution No. 8166.

These easements are no longer required.
- *c. Granting an easement for utilities at 924 North Country Club Drive – Resolution No. 8167.

Due to the building renovation, a new block wall is being constructed.
- d. Authorizing the exchange of City property located on Pecos Road, west of Sossaman Road – Resolution No. 8176.

Utilities requires a new location for a well site along Pecos Road.

Russ Brandt, 625 North Gilbert Road, # 103, Gilbert, addressed the Council and voiced support for this agenda item.

It was moved by Councilmember Walters, seconded by Vice Mayor Kavanaugh, that Resolution No. 8176 be adopted.

Carried unanimously.

- *e. **GPMInor03-03 (District 6)** Adopting an amendment to the Mesa 2025 General Plan – A Shared Vision as depicted by the attached map for case GPMINOR03-03, and directing municipal efforts toward implementation of the goals, objectives and policies stated within the plan. **CONTINUED FROM THE NOVEMBER 3, DECEMBER 1 AND 15, 2003 COUNCIL MEETINGS. CONTINUED TO THE JANUARY 20, 2004 COUNCIL MEETING.**
- f. **GPMInor03-04 (District 6)** Adopting an amendment to the Mesa 2025 General Plan – A Shared Vision as depicted by the attached map for case GPMINOR 03-04, and directing municipal efforts toward implementation of the goals, objectives and policies stated within the plan – Resolution No. 8177.

It was moved by Councilmember Walters, seconded by Councilmember Jones, that Resolution No. 8177 be adopted.

Carried unanimously.

- *g. Approving and authorizing the City Manager to execute a Development Agreement for City Share Reimbursement between the Corporation of the Presiding Bishop of the Church of Jesus Christ of Latter-Day Saints and the City of Mesa, for regional improvements that are being constructed in conjunction with the development of the Santa Rita LDS Church, located at 3440 South Signal Butte Road – Resolution No. 8168.
- *h. Approving and authorizing the City Manager to execute a Development Agreement for City Share Reimbursement between SDT Properties and the City of Mesa for regional improvements that are being constructed in conjunction with the development of Sun Devil Auto, located at 1932 North Power Road – Resolution No. 8169.
- *i. Approving and authorizing the City Manager to execute an Intergovernmental Agreement between Salt River Project and the City of Mesa for the operation and maintenance of the Alma School Drain – Resolution No. 8170.
- *j. Approving and authorizing the City Manager to execute an Intergovernmental Agreement between the Maricopa County Department of Transportation and the City of Mesa for the construction of Val Vista Drive from the South Canal to Thomas Road – Resolution No. 8171.
- *k. Authorizing and directing the City Manager or his designee to execute necessary documents to transfer certain real property located at 2401 East Juanita and 540 South Valencia, Mesa, AZ to MARC Center, Inc. – Resolution No. 8172.
- *l. Authorizing the City Manager to execute an agreement between the City of Mesa and the DUI Abatement Council for additional funds to pay overtime for extra DUI enforcement – Resolution No. 8173.
- *m. Vacating a portion of a public roadway and reserving an easement in the 4200 block of East Valley Auto Drive – Resolution No. 8174.

- *n. Extinguishing a portion of a Sidewalk Easement, Landscape Easement and Public Utilities and Facilities Easement at the 4200 block of East Valley Auto Drive – Resolution No. 8175.

9. Consider the following ordinances:

- *a. Amending various sections of the Mesa City Code regarding the following traffic modifications – Ordinance No. 4133:

No Parking: 10-3-24 (D) (Full Time No Parking)

On Solomon from Baseline Road to a point 280 feet north of Baseline Road. (West of Stapley Drive between Baseline Road and the Superstition Freeway.)

On the west side of Sycamore from 1st Avenue to a point 210 feet north of 1st Avenue. (South of Main Street and east of Dobson Road.)

On the north side of 1st Avenue from Sycamore to a point 625 feet west of Sycamore. (South of Main Street and east of Dobson Road.)

On the north side of 1st Street from Mesa Drive to a point 410 feet west of Mesa Drive. (West of Mesa Drive between Main Street and University Drive.)

On the west side of 32nd Street from a point 133 feet north of Menlo Circle to a point 365 feet north of Menlo Circle. (South of McDowell Road between Lindsay Road and Val Vista Drive.)

No Parking: 10-3-24 (F9) (No Parking, 10:00 p.m. – 4:00 a.m.)

On the east side of Solomon from Baseline Road to a point 280 feet north of Baseline Road. (Remove Prohibition) (West of Stapley Drive between Baseline Road and the U.S. 60.)

- *b. Amending Sections 11-16-2 and 11-13-2 of the Zoning Ordinance regarding “Vehicle Display Platforms” – Ordinance No. 4134.
- c. Amending Sections 11-19-5 and 11-19-8 of the Zoning Ordinance regarding “Vehicle Signs.”

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

Councilmember Thom expressed a series of concerns regarding the proposed ordinance including the fact that per the revised language in Section 3, Penalty, “EACH DAY SEPARATE VIOLATION:” civil sanctions could be imposed on a daily basis for the same violation which could result in astronomical fines for an individual displaying vehicle signs; that as an example, her husband, who drives a truck which advertises his business, would be unable to park the vehicle in his driveway without being penalized; and that some Mesa businessmen may be forced to relocate their businesses to surrounding communities as a result of the increased fines and the “non-business friendly” atmosphere that the ordinance would promote.

Vice Mayor Kavanaugh voiced support for the ordinance and noted that the City's vehicle sign regulations have been in place for many years. He commented that the intent of the proposal is not only to make the law clearer, but also to prevent any misunderstandings by business owners. Vice Mayor Kavanaugh stated that Councilmember Thom's example of her husband's truck being parked in the front yard of their home would not apply to the ordinance, and added that the law only applies to those vehicles that are displayed for the purpose of identifying an onsite business or providing directional information to an offsite business.

It was moved by Vice Mayor Kavanaugh, seconded by Councilmember Walters, that the recommendations of staff to amend Sections 11-19-5 and 11-19-8 of the Zoning Ordinance regarding "Vehicle Signs," be approved.

In response to a series of questions by Councilmember Walters, Zoning Administrator John Gendron clarified that the civil penalties, as discussed by Councilmember Thom, are incorporated as a standard paragraph in every ordinance; that staff is not proposing to modify or change the civil penalties at this time; that vehicles that are used as part of a business are not being targeted by the ordinance, but rather the egregious violation of vehicles used to circumvent the sign code provision; and that the proposal was drafted in concert with agenda item 9b (Amending Sections 11-16-2 and 11-13-2 of the Zoning Ordinance regarding "Vehicle Display Platforms").

Discussion ensued relative to the procedure undertaken by Code Compliance regarding the issuance of a civil sanction.

Councilmember Walters noted that like Councilmember Thom, she also views the language "EACH DAY SEPARATE VIOLATION:" as contained in Section 3, PENALTY, as somewhat confusing. She commented that it appears to be a separate heading for the following paragraph and that any confusion could be resolved by moving down the heading an additional space for greater clarity and readability.

In response to Councilmember Walters' observations, Mr. Gendron concurred that "EACH DAY SEPARATE VIOLATION:" is a new heading and that a spacing error was inadvertently made in the drafting of the ordinance.

In response to a question from Councilmember Griswold, Code Compliance Director Bill Petrie advised that the minimum fine for a civil citation is \$50; that staff has never issued citations for the same violation on consecutive days; and that the maximum fine imposed for each violation is no more than \$500.

Councilmember Jones noted that if Mr. Petrie is correct in stating that the minimum fine for a citation is \$50, then the language in the proposed ordinance under Section 3, PENALTY, which reflects the amount of \$100, is incorrect.

In response to a question from Mayor Hawker, City Attorney Debbie Spinner advised that because of the spacing issues previously addressed in Section 3, as well as the incorrectly stated minimum fine for a civil sanction, it is necessary that staff redraft and reintroduce the ordinance.

Vice Mayor Kavanaugh and Councilmember Walters withdrew their motion and second.

It was moved by Councilmember Griswold, seconded by Councilmember Walters, that staff be directed to redraft and reintroduce the ordinance at a future Regular Council Meeting.

Carried unanimously.

- d. **HL03-001TC (District 4)** 26 North Macdonald Street. Historic Landmark Overlay for the Federal Building, City of Mesa, owner; Historic Preservation Committee, applicant – Ordinance No. 4140.

Mayor Hawker indicated that he requested this item be removed from the Consent Agenda. He stated the opinion that because Mesa already owns the property, if a Local Historic Landmark Overlay was established for the Federal Building, it would only “slow down the process” if this Council or a future Council wished to take any action with regard to the building.

Victor Linoff, Chairman of the Historic Preservation Committee, 820 N. Robson, addressed the Council relative to this agenda item. He stated, among other things, that the City was able to acquire the building at no cost to be used as an annex to the Mesa Southwest Museum; that restrictions placed on the building as a result of the transfer from the Federal government to the City have nothing to do with regard to the overlay; and that like any other property in the City that is designated as historic, if it is the desire of the property owner to dismantle the structure, the ordinance would impose a six-month delay of demolition so that the entire issue could be reviewed. Mr. Linoff added that it is important to note that because of Mesa’s current budget constraints, the Report and Recommendation to support the Committee’s findings of the Federal Building’s historic significance was prepared pro bono by David Dean who is Vice Chairman of the Committee.

David Dean, 628 W. Portobello Avenue, provided a brief historical overview of the Federal Building. He stressed the fact that the Historic Landmark Overlay would not add any additional restrictions on the use of the building beyond those that already exist, and also that the designation status would “free up” Federal and State funds that could be used for the building’s rehabilitation. He also highlighted the building’s significant architectural features.

Councilmember Griswold expressed support for the ordinance and thanked Mr. Dean for his efforts and hard work relative to this matter.

Vice Mayor Kavanaugh voiced support for the application by the Historic Preservation Committee and thanked the Committee for bringing the item forward. He reiterated Mr. Dean’s comments that the Historic Landmark Overlay will not add limitations on the City’s use of the building and will also open the door for State and Federal funds that Mesa would need to make the building useable for the Mesa Southwest Museum.

It was moved by Vice Mayor Kavanaugh, seconded by Councilmember Griswold, that Ordinance No. 4140 be adopted.

Councilmember Thom commented that although she is a history buff and loves old buildings, in the case of the Federal Building, she does not consider it beautiful or distinctive and questioned why this matter was brought forward to the Council for action.

Discussion ensued relative to the fact that the Federal Building represents a transition in architecture between the Neo-classical and Art Moderne styles; that it is the only building representing that transition in the Starved Classicism style; that the structure, which served as a post office and a Federal building, is the only one of its kind not only in the Valley, but also in the State; and that the significance of the Federal Building was substantiated by the arrival of Postmaster General James A. Farley, who attended the dedication of the building in 1937.

Councilmember Walters voiced support for the motion and stated that the Historic Landmark Overlay does not represent a cost to the City, but recognizes the City's past. She also thanked Mr. Dean for his contributions to this process.

Mayor Hawker expressed opposition to the motion. He reiterated his previous comments and stated that he would prefer that the building be demolished and replaced with a City park that could complement the Mesa Southwest Museum.

Upon tabulation of votes, it showed:

AYES - Griswold-Jones-Kavanaugh-Walters-Whalen
NAYS - Hawker-Thom

Mayor Hawker declared the motion carried by majority vote and Ordinance No. 4140 adopted.

10. Consider the following recommendation from the Finance Committee:

- *a. Approving the Comprehensive Annual Financial Report of the City of Mesa for fiscal year ended June 30, 2003.

11. Consider the following cases from the Planning and Zoning Board and possible adoption of the corresponding ordinances:

- a. **Z03-26 (District 6)** North and east of the northeast corner of Crismon Road and Southern Avenue (18.9 ac.±) Site Plan Modification. This case involves the development of an apartment complex. Glenn Walling, Coyote Landing Limited Partnership, owner; Denise Burton, Broadbent and Associates, Inc., applicant – Ordinance No. 4141.

P&Z Recommendation: Approval with conditions. (Vote: Passed 6-0, Esparanza absent)

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 coverage) except as noted below.
2. Compliance with all requirements of the Design Review Board including landscaping, pedestrian connections and elevations.
3. Compliance with all City development codes and regulations.
4. Compliance with all requirements of the Development Services Department (Engineering, Traffic Engineering, Solid Waste and Facilities, etc.).
5. All street improvements and perimeter landscaping to be installed in the first phase of construction.

6. 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.

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

David Kincaid, a representative of DJK Consulting, representing the owner, addressed the Council and provided a brief overview of the case. He reported that he was unsure why the item was removed from the Consent Agenda in light of the fact the case has already been reviewed by the Planning & Zoning Board and the City Council and revisions have been made to the original site plan as requested by the Design Review Board. Mr. Kincaid also stated that the owner has met with the surrounding neighbors regarding the proposed apartment complex and will be meeting with the Design Review Board at its upcoming Wednesday night meeting to address landscaping requirements.

Charles Stock, 10507 E. Diamond Avenue, addressed the Council and expressed concerns regarding the proposed apartment complex development. He noted that as a resident in the surrounding area, he is disappointed that the modified site plan includes an additional 50 apartments and 100 parking spaces. Mr. Stock also stated that he requested, but has failed to receive, a copy of the landscape plan that will be discussed at the Design Review Board meeting on Wednesday. He concluded his remarks by noting that the 300-unit apartment complex will generate increased traffic congestion in the vicinity of Crismon and Southern.

Ms. Owens addressed the Council and requested that she be given permission by the parties to access the property prior to the commencement of construction to minimize the loss of any baby birds that may be nesting in the trees.

Mr. Kincaid reiterated his previous comments and stressed the fact that the proposed development is significantly below the density allowances of Mesa's zoning category.

It was moved by Councilmember Whalen, seconded by Vice Mayor Kavanaugh, that Ordinance No. 4141 be adopted.

Councilmember Thom expressed opposition to the motion and concurred with Mr. Stock's assessment that the additional 50 apartments and 100 parking spaces will not result in an aesthetically pleasing apartment complex development. She added that increased traffic congestion in the vicinity of Crismon and Southern will also negatively impact the area.

Councilmember Walters recollected that when the case first came before the Council, the proposal was for a poorly designed low-income housing project. She stated that the current design is much improved, and added that she is cognizant of the fact that there must be a balance between making a project work financially and also being sensitive to the needs of the surrounding residents. Councilmember Walters expressed support for the motion, but stressed that the applicant has an obligation to work with Mr. Stock and the other residents in the area to fulfill its agreements and to keep them apprised of important issues related to the development (i.e. landscaping).

Upon tabulation of votes, it showed:

AYES - Hawker-Jones-Kavanaugh-Walters-Whalen
NAYS - Griswold-Thom

Mayor Hawker declared the motion carried by majority vote and Ordinance No. 4141 adopted.

- *b. **Z03-44 (District 6)** The 5800 block of East Southern Avenue (south side). South of the Salt River Project substation on the west side of the Roosevelt Water Conservation District Canal (20± ac. ±) Generally located south and east of Southern Avenue and Higley Road. Rezone from R-3 to R1-6 PAD. This request is for the development of a residential subdivision. Harris Bank, N.A., owner; Chris Clonts, KB Homes, applicant. **CONTINUED FROM THE NOVEMBER 3, DECEMBER 1, AND DECEMBER 15, 2003 COUNCIL MEETINGS. CONTINUED TO THE JANUARY 20, 2004 COUNCIL MEETING.**

P&Z Recommendation: Approval with conditions. (Vote passed 6-0, Esparza absent.)

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 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. All street improvements and landscaping to be installed in the first phase of construction.
5. Compliance with all requirements of the Subdivision Technical Review Committee.
6. Recordation of cross-access easement over Tract F of the Stonegate Estates subdivision plat between the Stonegate Estates Board of Directors, on behalf of Stonegate Estates, and the property owner, Harris Bank, N.A., prior to recordation of the final plat.

- *c. **Z03-53 (District 5)** 1231 North Greenfield Road (Lot 1 of Mountain View Plaza). Located north and east of Brown Road and Greenfield Road. (1.22 ac. ±) Site Plan Modification. This request is for the development of a drive-thru restaurant. MVP Equities Limited Partnership, owner; Stephanie Rowe; Reece, Angell, Rowe Architecture, applicant – Ordinance No. 4135.

P&Z Recommendation: Approval with conditions. (Vote: Passed 6-0, Cowan absent)

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 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. Compliance with all requirements of the Design Review Board.

5. Recess light fixtures in the canopies so that the lens is flush with the ceiling of the canopy, or other acceptable alternative approved through the Design Review Board.
6. Written notice be provided to future owner and acknowledgment received that the project is within two miles of the Falcon Field Airport.

- *d. **Z03-55 (District 5)** The 100 – 200 blocks of North Power Road (west side). North and west of Main Street and Power Road. (2.58± ac.) Rezone from Maricopa County R1-8 and C-O to City of Mesa R1-9 and O-S. This case involves the establishment of City zoning on recently annexed property. Various owners; City of Mesa, applicant – Ordinance No. 4136.

P&Z Recommendation: Approval with conditions. (Vote: Passed 6-0, Cowan absent.)

1. Review and approval by the City Boards and City Council of future development plans.
2. Compliance with all City development codes and regulations.

- *e. **Z03-56 (District 6)** The northwest corner of Florian Avenue and Ellsworth Road. North and west of Southern Avenue and Ellsworth Road. (2.86± ac.) Rezone from Maricopa County C-1 P.D. (Conceptual Plan of Development) to City of Mesa C-1. This case involves the establishment of City zoning on recently annexed property. Ellsworth Plaza Partnership, owner; City of Mesa, applicant – Ordinance No. 4137.

P&Z Recommendation: Approval with conditions. (Vote: Passed 6-0, Cowan absent.)

1. Review and approval by the Planning and Zoning Board, Design Review Board and City Council of future development plans.
2. Compliance with all City development codes and regulations.

- f. **Z03-57 (District 5)** The north and south sides of University Drive between North 90th Street and North 93rd Street. Generally located around the intersection of Ellsworth Road and University Drive. (55.82± ac.) Rezone from Maricopa County, R-5, C-2 CUPD, C-2 P.D. (Conceptual Plan of Development), C-S, and Rural-43 to R-4, C-2, and R1-43. This case involves the establishment of City zoning on recently annexed property. Various owners; City of Mesa, applicant – Ordinance No. 4142.

P&Z Recommendation: Approval with conditions. (Vote: Passed 6-0, Cowan absent.)

1. Review and approval by the Planning and Zoning Board, Design Review Board and City Council of future development plans.
2. Compliance with all City development codes and regulations.

Ms. Owens commented that she inadvertently misread the agenda item and is in support of the rezoning.

It was moved by Vice Mayor Kavanaugh, seconded by Councilmember Walters, that Ordinance No. 4142 be adopted.

Carried unanimously.

- *g. **Z03-60 (District 5)** 4722 East Ivy Street. South and east of Greenfield Road and McKellips Road. (1.24 ac. ±) Rezone from M-1 to M-1 PAD. This case involves rezoning an existing building to allow individual ownership. Commerce Capital Investments, LLC (Rick Dobkin), owner; Greg Hitchens, applicant – Ordinance No. 4138.

P&Z Recommendation: Approval with conditions. (Vote: Passed 6-0, Cowan absent.)

1. Compliance with the basic development as described in the project narrative and as shown on the site plan and preliminary plat submitted 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. Compliance with all requirements of the Subdivision Technical Review Committee.

- h. **Z03-61 (District 5)** 11530, 11540 and 11550 East University Drive. Located north of University Drive and west of Meridian Drive. (4.96 ac. ±) Site Plan Review. This request is for the development of a commercial shopping center. Henry Keith, owner; Gloria Walker, Andrews Design Group, applicant – Ordinance No. 4143.

P&Z Recommendation: Approval with conditions. (Vote: Passed 6-0, Cowan absent and Finter abstain)

1. Compliance with the basic development as described in the project narrative and as shown on the site plan and preliminary plat submitted except as noted below.
2. Review and approval by the Planning and Zoning Board, City Council and Design Review Board of development plans for Pads A and B.
3. Compliance with all City development codes and regulations.
4. Compliance with all requirements of the Development Services Department (Engineering, Traffic Engineering, Solid Waste and Facilities, etc.)
5. 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.
6. All street improvements and perimeter landscaping to be installed in the first phase of construction.
7. Compliance with all requirements of the Design Review Board.
8. Compliance with all requirements of the Subdivision Technical Review Committee.
9. Recordation of cross-access and reciprocal parking easements (reference the type, location and parcel number/s).
10. All pad buildings to be architecturally compatible with the center.
11. Full compliance with all current Code requirements, unless modified through appropriate review and approval of the variance(s) outlined in the staff report.
12. Review and approval of a Special Use Permit by the Board of Adjustment for gas pumps should Pad B develop as a service station.
13. Retention basins to be 6:1 slopes maximum when adjacent to public rights-of-way or pedestrian walkways.
14. Compliance with the Desert Uplands Development Standards as they apply to building design and landscape palette.

15. Approval of a Native Plant Preservation Plan prior to any grading or removing of existing plant life on site.

Ms. Owens once again addressed the Council and urged the applicant to incorporate an abundance of vegetation in the development of the commercial shopping center. She also requested that she be notified when the developer begins to clear the area in an effort to rescue any baby birds that may be nesting.

It was moved by Councilmember Thom, seconded by Vice Mayor Kavanaugh, that Ordinance No. 4143 be adopted.

Carried unanimously.

- *i. **Z03-62 (District 5)** 3607 East McKellips Road. Located south and east of McKellips Road and Val Vista Road. (1.15 ac. ±) Rezone from R1-35 to OS PAD. This request is for the development of an office building. Michael Shane Beus, Lindsey Beus Worthen, Patrick Beus, and Ryan David Beus (SLPR, LLC), owner; Eric A. Faas, applicant. Three ordinances were introduced – Ordinance No. 4139.

(Option reflecting Citrus Area Homeowners Recommendation.)

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 lot yield, building count, 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 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.
8. Provide or retain two rows of citrus trees along the arterial street frontage, between the subdivision wall and the street.
9. This project lies within the Citrus Sub-Area Plan of Mesa adopted by the Mesa City Council on April 21, 2003 as a resolution; this plan was created by the Citrus Area Homeowners (CAH) as a vision of future development policies within the area. Chapter 4 of the Sub-Area Plan recommendations are in addition to the standard development requirements by the City of Mesa.
10. Owner granting an Avigation Easement and Release to the City, pertaining to Falcon Field Airport, which will be prepared and recorded by the City (concurrently with the recordation of the final subdivision map, prior to the issuance of a building permit).
11. Retention basins to be 6:1 slopes maximum when adjacent to public rights-of-way or pedestrian walkways.

- j. **Z03-63 (District 6)** Southeast corner of Crismon Road and US 60 Freeway (32.26 ac. ±) Rezone from R-3 to R-2 PAD. This request is for the development of a single-family residential subdivision. Mike Hare, owner; Pew and Lake, P.L.C., Sean Lake, applicant – Ordinance No. 4144.

P&Z Recommendation: Approval with conditions. (Vote: Passed 6-0, Cowan absent)

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 lot yield, building count, lot coverage) except as noted below.
2. Compliance with the Residential Development Guidelines including building elevations.
3. Compliance with all City development codes and regulations.
4. Compliance with all requirements of the Development Services Department (Engineering, Traffic Engineering, Solid Waste and Facilities, etc.).
5. 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.
6. All street improvements and perimeter landscaping to be installed in the first phase of construction.
7. Compliance with all requirements of the Subdivision Technical Review Committee.
8. Full compliance with all current Code requirements, unless modified through appropriate review and approval of the variances(s) outlined in the staff report.
9. View fences on residential lots shall comply with the City of Mesa pool fence barrier regulations.
10. Retention basins to be 6:1 slopes maximum when adjacent to public rights-of-way or pedestrian walkways.

It was moved by Councilmember Walters, seconded by Vice Mayor Kavanaugh, that Ordinance No 4144 be adopted.

Carried unanimously.

12. Consider the following subdivision plats:

- *a. "ELLSWORTH VILLAS," – **(Council District 5)** – 9200 block of East Brown Road (north side) located north and east of Brown Road and Ellsworth Road. 23 R1-6 PAD single residence lots (4.93 ac) Sunray Properties, Inc., an Arizona Corporation, owner; D&M Engineering, engineer.
- *b. "OMNI OFFICE/WAREHOUSE CONDOMINIUM," – **(Council District 5)** 4722 East Ivy Street (north side) located south and east of McKellips Road and Greenfield Road. 8 M-1 PAD office condominium units (1.25 ac) Commerce Capital Investments, LLC, Richard and Debra Dobkin, Managing Partners, owner; Rosendahl & Associates, Inc., engineer.
- *c. RED MOUNTAIN COMMERCE CENTER," – **(Council District 5)** – 5400 block of East Thomas Road (north side) located north and east of Thomas Road and Higley Road. 11 M-1 PAD industrial lots (11.01 ac) Red Mountain Commerce Center, owner; Landev Engineers, LLC, engineer.

- *d. "REPLAT OF PARCELS 5, 6, 7, 8, 9 AND TRACT "A" OF EAST VALLEY AUTO MALL," – **(Council District 6)** – 1700 block of South Greenfield Road (west side) located south and west of US 60 Superstition Freeway and Greenfield Road. 6 M-1 commercial lots (28.33 ac) Brent C. Berge Revocable Trust and Lumberjack Capital, L.L.C., Brent C. Berge and Deborah I. Berge, Officer and Director, owners; Wood/Patel, engineer.

13. Items by citizens present.

There were no items from citizens present.

14. Adjournment.

Without objection, the Regular Council Meeting adjourned at 7:45 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 5th day of January 2004. 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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