



COUNCIL MEETING

October 13, 2003

The City Council of the City of Mesa met in a Regular Council Meeting in the Council Chambers, 57 East 1st Street, on October 13, 2003 at 5:45 p.m.

COUNCIL PRESENT

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

COUNCIL ABSENT

Claudia Walters

OFFICERS PRESENT

Mike Hutchinson
Debra Dollar
Barbara Jones

(Mayor Hawker excused Councilmember Walters from the meeting.)

Invocation by Councilmember Kyle Jones.

Pledge of Allegiance was led by Brett Knight, Carson Junior High Boy Scout Troop No. 351.

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.

Recognition of the Building the Arts in Mesa's Heart Campaign.

Mayor Hawker recognized former Mayor Wayne Brown and complimented his leadership and foresight regarding the planning and funding of the Mesa Arts Center.

Vice Mayor Kavanaugh thanked all of the donors and volunteers who participated in meeting the goal of \$3.7 million. He introduced the Tom and Janet Ikeda family and expressed the City's appreciation for their generous gift of \$1 million to the Mesa Arts Center. Vice Mayor Kavanaugh announced that the largest theater in the Mesa Arts Center would be named the Tom and Janet Ikeda Theater in their honor.

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 Griswold, that the consent agenda items be approved.

Mayor Hawker declared the motion carried unanimously by those present.

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

Minutes from the August 25 and September 22, 2003 City Council meetings.

3. Conduct a public hearing for the following annexations:

- a. **A03-8** Annexing the southeast corner of East Main Street and South Signal Butte Road (District 5) (67.2± acres). Initiated by the property owners.

Mayor Hawker announced that this is the time and place for a public hearing regarding annexing the southeast corner of East Main Street and South Signal Butte Road (District 5) (67.2± acres). Initiated by the property owners.

City Clerk Barbara Jones advised that the following citizens completed cards to indicate their support for the annexation, but they did not wish to speak:

Ty Garrick	111 S. 111 th Place
Stacy Bluth	1116 E. Aspen Avenue
Carolyn Garrick	111 S. 111 th Place
Nick Bluth	1116 E. Aspen Avenue

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

- b. **A03-9** Annexing the northeast corner of East Plymouth and North Sossaman Road. Generally located at the north and west end of Hawes and McDowell Roads (District 5) (10.6± acres). Initiated by the property owner.

Mayor Hawker announced that this is the time and place for a public hearing regarding annexing the northeast corner of East Plymouth and North Sossaman Road. Generally located at the north and west end of Hawes and McDowell Road (District 5) (10.6± acres). Initiated by the property owner.

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

- c. **A03-11** Annexing the area south of East Hermosa Vista Drive to East McKellips Roads, and west of North Sossaman Road to the Central Arizona Project Canal (District 5) (150.2± acres). Initiated by the property owners.

Mayor Hawker announced that this is the time and place for a public hearing regarding annexing the area south of East Hermosa Vista Drive to East McKellips Roads, and west of North

Sossaman Road to the Central Arizona Project Canal (District 5) (150.2± acres). Initiated by the property owners.

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

4. Consider the following liquor license applications:

*a. JEFFREY WILLIAM BERNING, CHAIRMAN OF THE BOARD

Special Event License application of Jeffrey William Berning, Chairman of the Board, Mesa Jaycees, a one-day civic event to be held Friday, October 31, 2003, from 7:00 p.m. to 11:59 p.m., at 640 N. Center Street.

*b. SYE HUSSAIN KHAN, AGENT

New Beer and Wine Store License for JZ Market, 2633 W. Baseline Road. This is an existing business. The Beer and Wine Store License previously held at this location by Zahir Shah Khan, Agent, JZ Food Market, will revert back to the State.

*c. HECTOR MANUEL RASCON, AGENT

New Beer and Wine Store License for Super Carniceria El Tarachi #3, 624 W. Broadway Road, Ste. 205-206. This is an existing business. The Beer and Wine Store License previously held at this location by Javier Murrieta Gamez, Individual, Murrieta's Carniceria, will revert back to the State.

*d. H. J. LEWKOWITZ, AGENT

New Restaurant License for Hooters, 6730 E. Superstition Springs Blvd. This is an existing building. The Restaurant License previously held at this location by Ernest J. Schmidt, Agent, Tony Roma's went out of business in May 2003.

*e. ROBERT HOWARD BILLANY, AGENT

New Restaurant License for Kokopelli Kafe, 5055 E. University Drive. This is an existing building. No previous liquor licenses at this location.

*f. ERNESTO RASCON, AGENT

New Restaurant License for Restaurant Sinaloa #3, 1927 N. Gilbert Road, #6. This is an existing business. The Restaurant License previously held at this location by Hector C. Mendivil, Individual, Restaurant Manscos La Playita, will revert back to the State.

5. Consider the following contracts:

*a. One replacement aerial lift bucket truck as requested by the Transportation Division.

The Purchasing Division recommends accepting the low bid by I-10 International at \$114,950.43 including options, sales tax and extended warranties.

- *b. 600 canisters for use with gas masks as requested by the Fire Department.

The Purchasing Division recommends exercising an additional purchase option from our previous RFB#2002191 with the original low bidder, Universal Police Supply Company, at \$11,485.55. (This purchase is 100% funded by a grant from the U.S. Dept. of Justice).

- *c. Replacement Internet Infrastructure Equipment as requested by the Information Services Division (ISD).

The Purchasing Division recommends authorizing purchase from the State of Arizona contract with CompuCom Systems Inc. for a total of \$58,936.07.

- *d. Three-year contract for landscape maintenance services for parks and retention basins in an area designated as Zone 6, as requested by the Parks & Recreation Division.

The Purchasing Division recommends accepting the overall low bid by Basin Tree Service dba United Right-of-Way at \$270,129.00 based on estimated annual requirements.

- *e. File Server Software Licenses as requested by Information Services.

The Purchasing Division recommends authorizing purchase from the State of Arizona contract with ASAP, for a total of \$12,298.21.

- *f. Three-year supply contract for 3-phase step down pad mounted transformers as requested by the Electric Distribution Division.

The Purchasing Division recommends accepting the bid with the lowest evaluated life cycle cost by Utility Products Supply at \$73,789.06 based on estimated annual purchases.

- *g. Additional Taser Weapons as requested by the Police Department.

Recommend authorizing purchase from Taser International of Scottsdale, Arizona for a total of \$65,554.84. **(Sole Source)**

- h. City Water Zone Split, Booster Station Installation, City of Mesa Project No. 02-201-002, Council District Nos. 1 & 6.

This project, the second of two planned to remedy the low water pressure problem, will boost water pressure from within the City Zone to serve the under-pressure areas. Two Booster Stations will be installed, one in Chaparral Park and the other in the retention park at the NE corner of Val Vista and Pueblo.

Recommend award to low bidder, Citywide Contracting, LLC, in the amount of \$1,237,500.00 plus an additional \$123,750.00 (10% allowance for change orders) for a total award of \$1,361,250.00.

Mayor Hawker declared a potential conflict of interest and said he would refrain from discussion/participation in this agenda item. He yielded the gavel to Vice Mayor Kavanaugh for action on this agenda item.

It was moved by Councilmember Griswold, seconded by Councilmember Whalen, that the recommendation of staff be approved.

Upon tabulation of votes, it showed:

AYES - Griswold-Jones-Kavanaugh-Thom-Whalen
NAYS - None
ABSTAIN - Hawker

Vice Mayor Kavanaugh declared the motion carried unanimously by those present and voting.

Vice Mayor Kavanaugh yielded the gavel back to Mayor Hawker.

- *i. Desert Sage Well No. 14, Drilling Phase, City of Mesa Project No. 01-592-001, Council District No. 6.

This project will drill a new well near Cheshire and Broadway along the CAP Canal to expand the City's water supply capabilities and system reliability in the southeast portion of the Desert Sage Zone.

Recommend award to low bidder, Weber Group, LC, in the amount of \$415,345.00 plus an additional \$41,534.50 (10% allowance for change orders) for a total award of \$456,879.50.

- *j. Dobson Ranch Golf Course Fence Replacement, Phases 8 & 9, City of Mesa Project No. 01-39, Council District No. 3.

This project is a continuation of a series of projects to replace the existing fence with a new combination block and wrought iron fence, which will enhance the aesthetics for the golf course and the residents, and will also eliminate the maintenance problem of the old fence.

Recommend award to low bidder, AFC Contracting, Inc., in the amount of \$356,020.20, plus an additional \$35,602.02 (10% allowance for change orders) for a total award of \$391,622.22.

- k. Pecos and Sossaman Road Improvements, City of Mesa Project No. 00-116, City Council District No. 6.

This project will construct approximately 21,000 feet of two-lane roadway, extending Pecos Road between Power and Ellsworth Roads, and Sossaman Road from the UPRR tracks near Germann Road up to match into the Sossaman Road extension currently under construction. Other features of the project include sewer line, water line, miscellaneous storm drain features, E-streets components, vaults and manholes.

Recommend award to low bidder, Archon, Inc., in the amount of \$4,923,683.50, plus an additional \$492,368.35 (10% allowance for change orders) for a total award of \$5,416,051.85.

Mayor Hawker declared a potential conflict of interest and said he would refrain from discussion/participation in this agenda item. He yielded the gavel to Vice Mayor Kavanaugh for action on this agenda item.

It was moved by Councilmember Thom, seconded by Councilmember Griswold, that the recommendation of staff be approved.

Upon tabulation of votes, it showed:

AYES - Griswold-Jones-Kavanaugh-Thom-Whalen
NAYS - None
ABSTAIN - Hawker

Vice Mayor Kavanaugh declared the motion carried unanimously by those present and voting.

Vice Mayor Kavanaugh yielded the gavel back to Mayor Hawker.

6. Introduction of the following ordinances and setting October 27, 2003 as the date of public hearing on these ordinances:

- *a. Amending various sections of the Mesa City Code regarding the following traffic modifications:

Prohibiting Left Turns From Driveways: 10-3-15

On the east side of Greenfield Road from the driveway with centerline approximately 550 feet south of Hackamore Street.

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

On the west side of Drew Street from Main Street to a point 503 feet south of Main Street.

No Parking: 10-3-24 (F1) (No Parking, School Days, 8:00 am – 4:00 pm)

On the west side of 26th Street from a point 275 feet south of Hope Street to a point 525 feet south of Hope Street and on the west side from Highland Street to a point 135 feet north of Highland Street.

- *b. Relating to the City's organizational structure; amending Chapter 9, Title 3 of the Mesa City Code replacing the Management Services Department designation by establishing a Financial Services Department and the office and duties of the Financial Services Manager; and making other conforming changes to the Mesa City Code.

7. Consider the following resolutions:

- *a. Extinguishing a 3-foot wide Public Utility Easement on Lot 20, Mesa Commerce Center at 4751 East Indigo Street – Resolution No. 8111.

This easement is no longer required.

- *b. Authorizing the City Manager to execute an Intergovernmental Agreement between the City of Mesa and the Mesa Unified School District #4 for the funding of the Safe Schools Program. (Funding is received from the Arizona Department of Education) – Resolution No. 8112.

- *c. Authorizing the City Manager to execute an Intergovernmental Agreement between the City of Mesa and the East Valley Institute of Technology for funding for The Safe Schools Program. (Funding is received from the Arizona State Department of Education) – Resolution No. 8113.

- *d. Approving the Assessment Diagram Map for the McDowell and Recker Road Scalloped Street Assessment Project #01-005 – Resolution No. 8114.

This project installed street improvements along portions of East McDowell Road from Higley to Power Road and along Recker Road from McDowell Road to Preston Street.

A portion of the project costs will be assessed to the adjacent property owners under the Scalloped Street Assessment laws.

- *e. Fixing November 17, 2003 as the Public Hearing for the proposed final assessments for the McDowell and Recker Road Scalloped Street Assessment Project #01-005 – Resolution No. 8115.

This project installed street improvements along portions of East McDowell Road from Higley to Power Road and along Recker Road from East McDowell Road to Preston Street.

A portion of the project costs will be assessed to the adjacent property owners under the Scalloped Street Assessment laws.

- *f. Approving the Assessment Diagram Map for the Thomas and Recker Road Scalloped Street Assessment Project #00-086 – Resolution No. 8116.

This project installed street improvements along portions of East Thomas Road from North 56th Street to Recker Road and along Recker Road from Thomas Road to Preston Street.

A portion of the project costs will be assessed to the adjacent property owners under the Scalloped Street Assessment laws.

- *g. Fixing November 17, 2003 as the Public Hearing for the proposed final assessments for the Thomas and Recker Road Scalloped Street Assessment Project #00-086 – Resolution No. 8117.

This project installed street improvements along portions of East Thomas Road from North 56th Street to Recker Road and along Recker Road from Thomas Road to Preston Street.

A portion of the project costs will be assessed to the adjacent property owners under the Scalloped Street Assessment laws.

- *h. Approving and authorizing the City Manager to execute a Development Agreement for City Share Reimbursement between Centres Main L.L.C. and the City of Mesa for regional improvements that are being constructed in conjunction with the development of an Eckerd Drug Store, located at 25 South Val Vista Drive – Resolution No. 8118.
- *i. Approving and authorizing the City Manager to execute a Development Agreement for City Share reimbursement between Weingarten/Monvis L.L.C. and the City of Mesa for regional improvements that are being constructed in conjunction with the development of a commercial development known as Monte Vista Village Center Shops, located at 9101 East Baseline Road – Resolution No. 8119.
- *j. Authorizing the City Manager to execute an agreement between the City of Mesa and the Arizona Governor’s Office of Highway Safety providing for funds to pay overtime to officers for education and enforcement of safety belt use. (Federal funding received from the Governor’s Office of Highway Safety) – Resolution No. 8120.
- *k. Approving and Authorizing the City Manager to execute an Intergovernmental Agreement between the City of Mesa and The Salt River Pima-Maricopa Indian Community for making contributions to Mesa Public Schools – Resolution No. 8121.
- *l. Certifying to the State Treasurer the amount collected above baseline court collections – Resolution No. 8122.

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

- *a. Approving adding up to six feet of enhanced landscaping improvements where possible, behind both the new and existing 6-foot sidewalks along Mesa’s light rail corridor from Roosevelt to Dobson Road.
- *b. Approving changing the public notification signs for zoning public hearings to 4’ by 4’.

9. Consider the following recommendations from the Transportation Committee:

- *a. Proceeding with several traffic interchange enhancements and deferring most of the associated arterial widening projects until a dedicated transportation funding source is secured.

9.1. Consider the following recommendation from the Police Committee:

- a. Forming an ad hoc committee to begin a citizen review process for evaluating options for civilian oversight of selected police activities.

Councilmember Griswold, Chairman of the Police Committee, explained that the ad hoc committee is being proposed to explore the practices of other cities regarding citizen oversight of police activities and to make recommendations to the Council.

The following citizens, in order of appearance, spoke in support of the formation of an ad hoc committee and expressed the following opinions:

Mary Lou St. Cyr	724 S. Kachina Lane
Manny Cortez	2837 E. Emelita
Bryon Soller	130 N. Robson
Bill Everson	3737 E. Hopi Avenue
Henry Castillo Jr.	944 E. 8 th Place
LaVerne DaCosta	P. O. Box 5024
Adrian Barraza	46 W. 2 nd

- Citizens serving on a committee should be trained in police methods and procedures to provide greater understanding of the job.
- A civilian review board would be of benefit to the police department.
- A board would encourage the citizens and police to work together.
- The FOP (Fraternal Order of Police) supports citizen involvement to enable a review of an issue that could develop into a problem.
- The name of a board should be called "Friends of the Police" to better describe the activity.

The following citizens spoke in opposition to the formation of an ad hoc committee and expressed the opinion that sufficient checks and balances were presently in place:

J. T. Ready	418 S. Mesa Drive, #C
Brian Bender	225 W. 1 st . Street, #127

Louis E. Stradling, 1214 E. Greenway Circle, addressed the Council and stated that as a member of the Board of Freeholders who wrote the Mesa City Charter 36 years ago, he was speaking in opposition to establishing a Police Review Board. He advised that the Charter specifically prohibits the formation of a Review Board due to the fact that the Freeholders believed such a board would result in demoralizing the police force and place restraints on the ability of police officers to perform their duties. Mr. Stradling noted that the Charter does provide the Council with the power to use civilians in fact finding and investigations and the power to hear citizen complaints. He emphasized that the authority of the elected Council cannot be relinquished. Mr. Stradling provided a printed copy of his comments for each member of the Council. (See Attachment 1.)

Vice Mayor Kavanaugh expressed his support for the recommendation of the Police Committee and noted that Mesa is a City that derives strength from diversity. He added that the City of Mesa embraces citizen advice and participation in City government on a wide variety of public policy issues. Vice Mayor Kavanaugh expressed the opinion that decisions made by the Council in recent years reflect a high level of public participation. He noted that a number of review board models exist across the country. Vice Mayor Kavanaugh said that models may exist that would not require a Charter change, but he expressed the opinion that if a Charter change was required, the Council should not shirk from presenting that option to Mesa voters. He explained that the ad hoc committee would be able to gather information from police officers

and residents in order to move forward in a deliberative process and approach the task in an objective manner. Vice Mayor Kavanaugh stated he would support the Police Committee's recommendation.

Councilmember Whalen said he valued the efforts of the Freeholders who created the City Charter and noted that the Charter has required few changes over the years. He expressed the opinion that the intent of the Freeholders was to ensure that the Police Department did not become politicized. He stated that if a board were to be created, he would prefer that the board be compatible with the existing Charter due to the fact that any proposed changes might polarize the community. Councilmember Whalen referred to earlier comments made by Mr. Stradling that indicated that the Charter does allow for the formation of an advisory group. He emphasized that the group should include representatives from the Police Department, as well as minority and faith communities. Councilmember Whalen also noted that an advisory group or board would have the ability to call "subject matter" experts for information and advice. He further stated that the group should be an advisory tool to the Council, and that only the Council could take action as the Council is the entity accountable to the citizens of Mesa.

Councilmember Thom expressed her appreciation for the input of citizens regarding this matter. She noted that there have been many different reactions to recent events, and she recognized the fact that citizens might have valid concerns. Councilmember Thom stated that the City Charter prohibits a Police Review Board and the Charter charges the City Council with formulating policy for the Police Department. She added that investigations are presently ongoing regarding recent events, and the Council should take care not to create a prejudicial atmosphere. Councilmember Thom expressed the opinion that a more appropriate time for Council consideration of this subject would be at the conclusion of the ongoing investigations. She stated that she would not support the formation of an ad hoc committee at this time.

Mayor Hawker emphasized that the item before the Council was not to select members of a Police Review Board as the Charter expressly prohibits that type of board. He explained that the item before the Council was to establish an ad hoc committee to begin a citizen review process for evaluating options for citizen oversight of selected police activities. Mayor Hawker stated that the ad hoc committee would evaluate options and report to the Council on these options. He noted that a similar ad hoc committee on which he served in 1991 investigated some of the same issues that are presently being raised, and the result of that committee's effort was to strengthen the Citizen's Police Academy to educate citizens regarding police issues. Mayor Hawker expressed the opinion that the objective of the ad hoc committee would be to obtain information relative to maintaining a better relationship between the citizens and the Police Department and provide advice to the Council. He emphasized that he does not support transferring power to a citizen board that has not been properly trained in police tactics and use of force methods. Mayor Hawker added that the City Charter provides the Council with subpoena power, the ability to seek outside counsel, and the authority to conduct independent evaluations.

Councilmember Jones stated that serving on the Council has taught him the meaning of "unintended consequences." He expressed the opinion that mistakes could be made if the Council did not take the time to consider the impact of a decision. Councilmember Jones noted that the Charter empowers the elected Council to handle these matters. He added that citizens could provide information in an advisory capacity, but the Council should not relinquish power to an entity not elected by the citizens of Mesa. Councilmember Jones indicated his support for an

ad hoc committee, but with the understanding that any proposed review board model be of an advisory capacity.

Councilmember Griswold stated that an ad hoc committee should design an approach that will be effective for the City of Mesa for many years.

It was moved by Councilmember Griswold, seconded by Vice Mayor Kavanaugh, to form an ad hoc committee to begin a citizen review process for evaluating options for citizen oversight of selected police activities.

Upon tabulation of votes, it showed:

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

Mayor Hawker declared the motion carried by a majority of those present and voting.

In response to a question from Councilmember Whalen, Mayor Hawker advised that any citizen interested in serving on the ad hoc committee should contact his office or that of their Councilmember.

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

- *a. **Z03-12** – (District 5) The 4400 block of East McLellan Road (south side), south to East Hannibal, generally located north and east of Greenfield and Brown Roads (2.02 ac±). Rezone from R-3 to R-3 P.A.D. This case involves the development of an apartment complex. John Bellerose, owner/applicant. **¾ VOTE REQUIRED. CONTINUE TO NOVEMBER 17 COUNCIL MEETING.**

P&Z Recommendation: Denial (Vote: 7-0)

- *b. **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. **CONTINUED FROM THE SEPTEMBER 8, 2003 COUNCIL MEETING. REFER BACK TO THE PLANNING AND ZONING BOARD.**

- *c. **Z03-32** – (District 6) The northwest corner of Sossaman Road and US 60 (36 ac. ±). Rezone from AG (Conceptual M-1 and PEP) DMP to M-1-PAD-DMP. This case involves the development of a mixture of industrial uses including auto dealerships. DMB Superstition Springs Investors, owner; Karrin Kunasek Taylor, Esq. (Biskind, Hunt, & Taylor, P.L.C.), applicant –Ordinance No. 4114.

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

1. Compliance with the basic development as described in the project narrative and as shown on the conceptual site plan and preliminary plat submitted, (without guarantee of lot yield, building count, lot coverage) except as noted below.

2. Review and approval by the Planning and Zoning Board, Design Review Board and City Council of future development plans for M-1 uses, except for vehicle dealerships designed in substantial conformance with the conceptual site plan.
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 for deceleration lane along Sossaman Road 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.
6. All street improvements and off-site landscaping along Sossaman Road and Hampton Avenue frontages to be installed in the first phase of construction. All street improvements and off-site landscaping along the Internal Loop Road to be installed upon development. All on-site improvements to be installed on remainder of parcels upon parcel development.
7. Compliance with all requirements of the Subdivision Technical Review Committee.
8. Compliance with all requirements of the Design Review Board including foundation base requirements, permanent canopy design, parking area landscaping, screening, and building design.
9. The zoning case does not grant approval of any signs. Review and approval of a Special Use Permit by the Board of Adjustment for a comprehensive sign plan is required.
10. Owner granting an Avigation Easement and Release to the City, pertaining to Williams Gateway 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.
12. Provide landscaped setbacks along the Internal Loop Road, measured from right-of-way line, as follows for vehicle dealerships only:
 - A. Building setback – 35-feet along street frontage.
 - B. Special display parking – 12-feet along street frontage.
 - C. General display parking – 12-feet along street frontage.
 - D. Customer, employee, and service parking – 20-feet along street frontage. Final layout and design to be reviewed and approved by the Design Review Board.
13. Provide landscaped setbacks along East Hampton Avenue, measured from back of curb, as follows for vehicle dealerships only:
 - A. Building setback – 50-feet along street frontage.
 - B. Special display parking – 17-feet along street frontage.
 - C. General display parking – 25-foot average with a minimum of 20-feet along E. Hampton Road. Final layout and design to be reviewed and approved by the Design Review Board.
 - D. Customer, employee, and service parking – 35-feet along street frontage.
14. Provide landscaped setbacks along South Sossaman Road, measured from back of curb, as follows for vehicle dealerships only:
 - A. Building setback – 65-feet along street frontage.
 - B. Special display parking – 32-feet along street frontage.

- C. General display parking – 40-foot average with a minimum of 35-feet along S. Sossaman Road. Final layout and design to be reviewed and approved by the Design Review Board.
- D. Customer, employee, and service parking – 50-feet along street frontage.
- 15. Along the length of the deceleration lane required on South Sossaman Road, provide landscaped setbacks measured from back of curb, as follows for vehicle dealerships only:
 - A. Building setback – measured from back of curb, maintain setback established in Condition of Approval #14.
 - B. Special display parking – 20-foot minimum along street frontage.
 - C. General display parking – 23-foot minimum along street frontage.
 - D. Customer, employee, and service parking – 38-feet along street frontage. Final layout and design to be reviewed and approved by the Design Review Board.
- 16. Provide landscaped setbacks measured from P.A.D. D.M.P. perimeter property line (along ADOT retention basin and/or drainage tract) as follows for vehicle dealerships only:
 - A. General or special display parking where a 6-foot high (minimum) screen wall is not provided – 10-feet,
 - B. Customer and/or employee parking without a 6-foot high (minimum) screen wall – 10-feet,
 - C. General or special display parking where a 6-foot high (minimum) screen wall is provided – 2-feet and provide 8-foot by 8-foot clear landscape islands every 10 stalls unless otherwise approved by the Design Review Board.
 - D. Service area parking – provided 8-foot by 8-foot clear landscape islands every 10 stalls unless otherwise approved by the Design Review Board.
- 17. Provide landscaped setbacks at street corners for vehicle dealerships as follows:
 - A. Building setback – 35-feet,
 - B. Special display parking setback – 5-feet from sight visibility line.
 - C. All other parking setback – 20-foot average with a minimum 10-foot setback. Final layout and design to be reviewed and approved by Design Review Board.
- 18. Provide on-lot building setbacks for vehicle dealerships a minimum of 15-foot separation. Building separation on adjoining lots to be per City of Mesa Zoning Ordinance requirements.
- 19. Provide 12-inch minimum screening of general display parking areas for vehicle dealerships only.
- 20. Provide landscaped setbacks within vehicle dealerships only as follows:
 - A. Side yard landscape setback – for a distance of 40-feet from the front ROW line. (Trees & shrubs per Code & Design Review Board). 0-feet – auto service building adjacent to same 10-feet – auto service building or display adjacent to retail uses 10-feet – display adjacent to display or service or adjacent to a wall which is 6-feet high or higher.
- 21. Provide revised Design Guidelines and P.A.D. project narrative prior to the introduction of the Ordinance to the City of Mesa City Council.
- 22. Photometric study to be reviewed and approved by Design Review Board.

*d. **Z03-34** – (District 6) 3200 block of South Signal Butte Road (east side) generally located north and east of Elliot Road and Signal Butte Road (42.6 ac. ±). Rezone from R1-43 to

Public Facilities (PF). This rezoning will facilitate conformance with the Mesa 2025 General Plan. Salt River Project, owner; City of Mesa, applicant – Ordinance No. 4115.

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

1. Compliance with all City development codes and regulations.
2. Compliance with all requirements of the Development Services Department (Engineering, Traffic Engineering, Solid Waste and Facilities, etc.).
3. 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.

- *e. **Z03-35** – (District 6) Southwest corner of Pecos Road and Signal Butte Road (320 ac. ±) Rezone from R1-43 to M-2. This rezoning will facilitate conformance with the Mesa 2025 General Plan. Arizona State Land Department, owner; City of Mesa, applicant – Ordinance No. 4116.

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

1. Compliance with all City development codes and regulations.
2. Compliance with all requirements of the Development Services Department (Engineering, Traffic Engineering, Solid Waste and Facilities, etc.).
3. 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.
4. Site Plan Review and approval of future development plans for parcel 218-56-563A (subject site).

- *f. **Z03-36** – (District 6) North of the northwest corner of Sunview and Baseline Road generally located north and west of Baseline and Recker Roads (17.05 ac. ±) Site Plan Review. This request is for the development of offices and ancillary retail uses. Mesa Arizona Real Estate Investment, owner; Tim Rasnake, Archicon, applicant – Ordinance No. 4117.

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

1. Compliance with the basic development as described in the project narrative and as shown on the site plan and elevations submitted, (without guarantee of lot coverage) except as noted below.
2. Compliance with all requirements of the Design Review Board, including landscaping, pedestrian connections, patient drop-off areas and elevations.
3. All pad buildings, landscaping, elevations, signage, site lighting and pedestrian links to conform to the approved Design Guidelines for the Arizona Health and Technology Park.
4. Compliance with all City development codes and regulations.
5. Compliance with all requirements of the Development Services Department (Engineering, Traffic Engineering, Solid Waste and Facilities, etc.).
6. All street improvements and landscaping to be installed in the first phase of construction.

7. Prior to building permit approval for the administration building identified in Phase II, the applicant must provide evidence of conformance with Fire Code requirements or an alternative approved by the Fire Marshall.
8. Buildings used for the sale of medical supplies in conjunction with a medical office or clinic cannot be identified from a public street by signage, display, building orientation or other visual means per Section 11-6-2-A-3 of the Zoning Ordinance.
9. Compliance with the Comprehensive Sign Plan approved by the Board of Adjustment (ZA01-41).

- *g. **Z03-37** – (District 5) Southwest corner of Power Road and McDowell Road (17.59 ac. ±) Rezone from OS to C-2 and Site Plan Modification. This request is for the development of a commercial shopping center. Tom Allen, Trustee, owner; Irwin Pasternack, applicant – Ordinance No. 4118.

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

1. 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. View fencing shall be constructed, in lieu of a solid masonry wall, around the designated play areas adjacent to the day care center. Final fence design to be approved by the Design Review Board.
4. All landscaping throughout the development, including perimeter landscaping, shall conform to the Desert Uplands Development Standards native plant palette.
5. All street improvements and perimeter landscaping to be installed in the first phase of construction.
6. Full compliance with all current Code requirements, unless modified through appropriate review and approval of the variance(s) outlined in the staff report.
7. 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.
8. Compliance with all requirements of the Subdivision Technical Review Committee.
9. Compliance with all City development codes and regulations.
10. Compliance with all requirements of the Development Services Department Engineering, Traffic Engineering, Solid Waste and Facilities, etc.).
11. Review and approval of a Special Use Permit by the Board of Adjustment for a comprehensive sign plan.
12. Written notice be provided to future tenants, and acknowledgment received that the project is within two miles of the Falcon Field Airport.

- *h. **Z03-38** – (District 6) The 3800 block of South Power Road (eastside) and the 6900 block of East Elliot Road (southside) (20.63 ac.±). Site Plan Review. This case involves development of an apartment complex. Farnham Reality, Inc., owner; Sean Lake, Pew & Lake, PLC, applicant. **CONTINUE TO NOVEMBER 17 COUNCIL MEETING.**

P&Z Recommendation: Denial (Vote: 5-2 Carpenter, Esparza voting nay)

- *i. **Z03-39** – (District 6) The 11300 block to the 11500 block of East Warner Road (south side) and the 4500 block to the 5000 block of South Meridian Drive (west side) and the 4500 block to the 5000 block of South Mountain Road (east side). (198 ac ±). Rezone from R1-9 and R1-35 to R1-6 PAD – DMP, R1-6 DMP, R1-7 DMP, and R1-9 DMP. This case involves the development of the Gila River Springs development master plan. Gila River Ranches, LLC, owner; Sean Lake, Pew & Lake PLC, applicant – Ordinance No. 4119.

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

1. Compliance with the basic development as described in the project narrative and as shown on the site plan, 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.
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, at the time of recordation of the subdivision plat, or at the time of the City's request for dedication whichever comes first.
6. Compliance with all requirements of the Subdivision Technical Review Committee.
7. Full compliance with all current Code requirements, unless modified through appropriate review and approval of the modifications outlined in the staff report.
8. Owner granting an Avigation Easement and Release to the City, pertaining to Williams Gateway 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).
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.
11. Rear yard setbacks in lots backing up to an arterial street shall be at least 30-feet (30') in depth.

- *j. **Z03-40** – (District 5) Northwest corner of 93rd Street and McLellan Road generally located south and east of McKellips and Ellsworth Roads (2 ac. ±). Rezone from Maricopa County Rural-43 to City of Mesa R1-43. This case involves the establishment of City zoning on recently annexed property. Owners, various; City of Mesa, applicant – Ordinance No. 4120.

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

1. Compliance with all City development codes and regulations.

- *k. **Z03-41** – (District 6) Southeast corner of Broadway Road and the Roosevelt Water Conservation District Canal generally located south and east of Broadway and Higley. (55th Street). (11.7 ac. ±) Rezone from Maricopa County Rural-43 to City of Mesa R1-43. This case involves the establishment of City zoning on recently annexed property. Owners, various; City of Mesa, applicant – Ordinance No. 4121.

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

1. Compliance with all City development codes and regulations.

- *l. **Z03-42** – (District 5) The 8600-8700 block of East Culver Street (north side) generally located east of Hawes Road, south of McDowell Road (5 ac. \pm). Rezone from Maricopa County R1-35 to City of Mesa R1-35. This case involves the establishment of City zoning on recently annexed property. Owners, various; City of Mesa, applicant – Ordinance No. 4122.

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

1. Compliance with all City development codes and regulations.

- *m. **Z03-43** – (District 5) The northeast corner of Greenfield Road and McLellan Road, Tract “A” Mesa Commerce Center generally located south and east of McKellips and Greenfield Roads (8.6 ac \pm). Rezone from M-1 to M-1 PAD. This case involves the development of offices and warehouses. Mesa Land Partners, LLC, owners; UTAZ Development Corporation, applicant – Ordinance No. 4123.

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

1. Compliance with the basic development as described in the project narrative and as shown on the site plan, 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, at the time of recordation of the subdivision plat, or at the time of the City’s request for dedication whichever comes first.
5. Compliance with all requirements of the Subdivision Technical Review Committee.
6. Compliance with all requirements of the Design Review Board including design of pedestrian connections, storage yards and surrounding walls.
7. Full compliance with all current Code requirements, unless modified through appropriate review and approval of the modifications outlined in the staff report.
8. 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).
9. Outdoor storage limited to height of wall.
10. Revised narrative presented prior to City Council regarding restriction to objectionable uses.

11. Consider the following subdivision plats:

- *a. “COUNTRY MART-BASELINE/LINDSAY”, – (District 2) – 1900 block of South Lindsay Road (west side) generally located north and west of Baseline and Lindsay Roads. 1 C-2

commercial lot (5.67 ac) Wal-mart Stores, Inc., a Delaware Corporation, owner; Kimley-Horn & Associates, Inc., engineer.

- *b. "WHITE DOVE ESTATES AMENDED", – (District 5) – 3800 block of East Huber Street (south side) generally located north and east of Brown and Val Vista Roads. 3 R1-35 PAD single residence lots (6.70 ac) Richard A. Ganley and Amy S. Ganley, Eric Donnelly and Karen Donnelly, Morris G. France III and Deanna France, owners; Ace Engineering, Inc., engineer.
- *c. "ARBOR MEDICAL CENTER MAP OF DEDICATION", – (District 5) – 6242 East Arbor Avenue (east side) generally located south and east of Main and Recker. Arbor Medical Center, LLC, owner; Brooks Engineers & Surveyors Inc., engineer.
- *d. "MESQUITE CANYON PLAZA", – (District 6) – 2800 block of South Ellsworth Road (west side) generally located south and east of Guadalupe and Ellsworth Roads. 8 C-2 commercial lots (14.99 ac) Evergreen-Ellsworth & Guadalupe, L.L.C., an Arizona Limited Liability Company and Southern Devco, L.L.C., a Washington Limited Liability Company, owners; Hunter Engineering, P.C., engineer.

12. Items from citizens present.

There were no items from citizens present.

13. Adjournment.

Without objection, the Regular Council Meeting adjourned at 7:04 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 13th day of October 2003. I further certify that the meeting was duly called and held and that a quorum was present.

BARBARA JONES, CITY CLERK

baa

Attachment

Objections to a Civilian Police Review Board

For many years there have been determined efforts to establish civilian police boards in all cities. At the time the City Charter was written there were riots and burning in many cities with attacks on the police, cries of "police brutality" and demands for civilian police review boards.

The Freeholders who wrote the City Charter made a thorough study of the issue. The FBI reported that in cities with civilian police review boards the restraint on police made effective action impossible. They warned that it is an instrument for demoralizing police and making them ineffective. The Freeholders wrote Charter section 501 a. prohibiting a civilian police review board.

Civilian review is a correct principle but the responsibility rests on the elected City Council. It cannot rightly be relinquished to non-elected persons.

In Section 208 INVESTIGATIONS and Section 403 PERSONNEL SYSTEM the Charter provides for the Council to use civilians in investigations and fact finding and for hearing citizen appeals. It provides an orderly system for employee complaints and hearings.

The police department is regulated and inspected by federal, state, county and city officials and court rulings. Recent claims of police abuse are being investigated by proper authorities. Another agency would be an unnecessary, incompetent interference.

Agitation for a review board never ceases. In 1992 it was proposed and the Council rejected it. In 1993 the Council appointed a study committee of 20 persons. That committee voted to reject it. The Council should dismiss it outright.

However the real concern is not just inefficient administration of the Police Department or correcting police mistakes and abuses. Just as there are criminals bent on robbery so there are persons intent on destroying the United States as a free nation and making it a province in the United Nations World Order. Many are in high places paid with tax money while they work to destroy our free government. The battle moves on five fronts:

1. Remove God and destroy religion and morality.
 2. Weaken local police, then impose federal and international controls.
 3. Federal control of schools to indoctrinate children with disrespect for parents, rejection of religion and acceptance of world government.
 4. Breakdown of the economy with regulations, environmental obstructions massive debt and taxation.
 5. Involve our military in endless, winless wars gradually turning our armed forces over to UNITED NATIONS command
- (over).

Establishing civilian police review boards in all cities is a key to that effort. For many years there has been a concentrated attack, on local police. They instigate or seize upon confrontations with police, inflame the public mind with claims of police cruelty to innocent victims. They discredit the Chief of Police with charges or bungling and cover-up. They intimidate City Councils and raise the cry for a Civilian Police Review Board. The ultimate goal is to establish federal control over local police.

Their Oath to support the Constitutions of the United States, the State of Arizona and the City Charter should cause council members to reject any consideration of a civilian police review board.

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