

COUNCIL MINUTES

November 2, 1998

The City Council of the City of Mesa met in a Regular Council Meeting in the upper level meeting room of the Council Chambers, 57 East 1st Street, on November 2, 1998 at 5:45 p.m.

COUNCIL PRESENT

Mayor Wayne Brown
Jim Davidson
John Giles
Keno Hawker
Bill Jaffa
Dennis Kavanaugh
Pat Pomeroy

COUNCIL ABSENT

None

POLICE OFFICER
PRESENT

David Klein

OFFICERS PRESENT

C.K. Luster
Neal Beets
Barbara Jones

Invocation by Pastor Bruce E. Miller, Central Christian Church.

Pledge of Allegiance was led by Michael Hill, Troop #792.

1. Approval of minutes of previous meetings as written.

It was moved by Vice Mayor Giles, seconded by Councilmember Kavanaugh, that the minutes of September 17 and October 1, 8, and 19, 1998 be approved as amended.

Carried unanimously.

2. Consider all consent agenda items.

At this time, all matters on the consent agenda were considered or were removed at the request of a member of the Council. All items identified with an asterisk (*) were approved with one Council action.

It was moved by Vice Mayor Giles, seconded by Councilmember Kavanaugh, that the consent agenda items be approved.

Carried unanimously.

3. Consider the following liquor license applications.

*a. LUONG THI NGUYEN, AGENT

Person transfer beer and wine bar license for Autumn Moon, 2940 East Main Street. This transfer is from Direk Srichankij, Etal, Autumn Moon, to Luong Thi Nguyen, Agent, Amo Foods Inc.

*b. RANDY NATIONS, AGENT

New beer and wine store license for Chevron, 1205 West Baseline Road. This is an existing business; no previous liquor licenses at this location.

*c. WILLIAM HOWARD, AGENT

New restaurant license for Black-eyed Pea Restaurant, 6447 East Southern Avenue. This is a new business, no previous liquor licenses at this location.

*d. SIRI ISHMAIL, ETAL

New restaurant license for Royal Thai Grill, 321 West McKellips Road, #103. This is an existing business; no previous liquor licenses at this location.

4. Consider the following contracts.

- *a. Two-year supply contract for spray marking paint for the Materials and Supply Division warehouse inventory. These paints are used by several City departments to mark underground utility locations and for painting water meters.

The Purchasing Division recommends accepting the lowest overall bid by Griggs Paint at \$16,063.92 plus 6.80% sales tax of \$1,092.34 for a total of \$17,156.26 based on estimated requirements.

- *b. Scanner/plotter upgrade as requested by the Engineering Division. This equipment is used to produce and archive record drawings.

The Purchasing Division recommends accepting the low bid by Arizona Imaging Equipment, Inc. at \$17,475.00 plus 6.90% sales tax of \$1,205.77 for a total of \$18,680.77.

- *c. Two-year supply contract for anodeless service risers for the Materials and Supply Division warehouse inventory as requested by Utility Construction. These risers are used in gas service installations.

The Purchasing Division recommends accepting the low bid by Uponor Aldyl Company at \$26,620.00 plus 5% use tax of \$1,331.00 for a total of \$27,951.00 based on estimated requirements.

- *d. One replacement copier for the Police Department to be used by the hiring unit staff.

The Purchasing Division recommends authorizing purchase from the State of Arizona contract with Ikon Office Solutions at \$17,254.00 plus 7.2% sales tax of \$1,242.29 for a total of \$18,496.29.

- *e. One replacement reel grinder for use at the Dobson Ranch Golf Course as requested by the Parks, Recreation and Cultural Programs Division. The equipment is used to sharpen the reels of mowing equipment.

The Purchasing Division recommends accepting the low bid meeting specification by Simpson Norton Corporation at \$14,732.00 plus 7.50% sales tax of \$1,104.90 for a total of \$15,836.90.

*f. One replacement dump truck as requested by the Street Maintenance Division.

The Purchasing Division recommends accepting the second lowest bid by I-10 International Trucks at \$79,269.00 plus 6.8% sales tax of \$5,390.29 and \$1,240.00 extended engine and transmission warranties, for a total of \$85,899.29.

*g. One-year renewal of the annual supply contract for tires in Materials and Supply Division warehouse inventory for use on City vehicles. This contract will be used to supplement an existing supply contract.

The Purchasing Division recommends exercising the second and final one-year renewal option with the original low bidder for Categories 5 and 6, Robert's Tire Sales, Inc. at \$207,223.12 plus 7.20% sales tax of \$14,920.78 for a total of \$222,153.90 based on estimated requirements.

*h. Mowing equipment as requested by the Parks, Recreation and Cultural Programs Division. These machines will be used to maintain turf areas at the golf courses and for mowing ballfields at Hohokam Stadium and Fitch Park.

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

Item 1 to A to Z Equipment Rental & Sales at \$14,963.40 plus 6.80% sales tax of \$1,017.51 for a total of \$15,980.91; and

Items 2 & 3 to Simpson Norton Corporation at \$29,325.00 plus 7.50% sales tax of \$2,199.37 for a total of \$31,524.37. The combined award is then \$47,505.28.

*i. Upgrade to Tax and Licensing file server as requested by the Information Services Division. This upgrade will increase the device's data storage capacity.

The Purchasing Division recommends authorizing purchase from the State of Arizona contracts with MicroAge Government Accounts of \$19,317.15, plus 6.8% sales tax of \$1,313.57, for a total of \$20,630.72.

j. One-year renewal of annual supply contract for Personal Computers (PCs) as requested by the Information Services Division. This contract will provide PCs to various City departments for the next 12 months.

The Purchasing Division recommends exercising the only one-year renewal option with the following original low bidders meeting specification:

Sentinel Technologies (formerly CBSI) as primary supplier for Gateway PCs and Dell Marketing LP as primary supplier for Dell PCs. The combined total award is \$1,565,566.60 based on estimated requirements. Staff projects that 78% (\$1,217,122.00) of the total expenditures will be with Sentinel Technologies, and 22% (\$348,444.60) will be with Dell Marketing LP.

Information Services Director Karen Kille explained that last year Council authorized the implementation of a Citywide strategy for personal computer (PC) acquisition and support that would create a common computing environment among City staff and enhance employee productivity. Ms. Kille advised that a component of the plan was to replace PCs on a three-year cycle and that the request before Council represents the initial portion of the replacement strategy.

It was moved by Councilmember Pomeroy, seconded by Councilmember Jaffa, that the recommendation of staff be approved.

Carried unanimously.

- k. Annual supply contract for automotive oils and greases as requested by Fleet Support Services. This is a cooperative bid with Mesa Schools.

The Purchasing Division recommends accepting the lowest overall bid by Western States Petroleum, Inc. at \$60,390.54 plus 6.80% sales tax of \$4,106.55 for a total of \$64,497.09 based on estimated requirements.

Mayor Brown indicated that he had a potential conflict of interest in connection with the matter now under discussion which he wanted recorded in the minutes of the meeting, and because of such conflict of interest, he would refrain from voting upon or otherwise participating in any manner in connection with same.

Mayor Brown yielded the gavel to Vice Mayor Giles for discussion and voting on this item.

There being no discussion, it was moved by Councilmember Kavanaugh, seconded by Councilmember Pomeroy, that the recommendation of staff be approved.

Upon a tabulation of votes, it showed:

AYES - Davidson-Giles-Hawker-Jaffa-Kavanaugh-Pomeroy
NAYS - None
ABSTAIN - Brown

Vice Mayor Giles declared the motion carried unanimously by those voting.

Vice Mayor Giles yielded the gavel to Mayor Brown.

- l. Annual supply contract for heated soft water and rental of an asphalt distributor with an operator as requested by the Streets Maintenance Division.

The Purchasing Division recommends accepting the overall low bid by Copperstate Emulsions, Inc. at \$13,000.00 plus 7.0% sales tax for materials at \$210.00 for a total of \$13,210.00 based on estimated requirements.

Councilmember Hawker indicated that he had a potential conflict of interest in connection with the matter now under discussion which he wanted recorded in the minutes of the meeting, and because of such conflict of interest, he would refrain from voting upon or otherwise participating in any manner in connection with same.

It was moved by Vice Mayor Giles, seconded by Councilmember Davidson, that the recommendation of staff be approved.

Upon a tabulation of votes, it showed:

AYES - Brown-Davidson-Giles-Jaffa-Kavanaugh-Pomeroy
NAYS - None
ABSTAIN - Hawker

Mayor Brown declared the motion carried unanimously by those voting.

- *m. Six-inch high-pressure gas main, Bella Vista Road, City of Mesa Project No. 98-70.

This project involves installing a new gas line along Bella Vista Road in the City's gas service area in Pinal County.

Recommend award to low bidder, Northern Pipeline Construction Company, in the amount of \$233,846.00.

- n. Fitness equipment for new Red Mountain Multi-Generational Center as requested by the Parks, Recreation and Cultural Programs Division.

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

Items 1 - 22 to Pro-Source Fitness for \$40,890.00 plus 6.9% sales tax of \$2,821.41 for a total of \$43,711.41; and

Items 23 - 28 to Star Trac by Unisen at \$42,050.00 plus 5% use tax of \$2,102.50 for a total of \$44,152.50.

The combined total is then \$87,863.91.

Purchasing Administrator Sharon Seekins informed Council that staff recently received a letter of protest from a firm whose bid was rejected for this item because it was not submitted in a timely manner. Ms. Seekins advised that she responded to the letter of protest and that the protester had indicated they would be present to speak at the meeting this date.

There being no citizens present wishing to speak on this item, it was moved by Councilmember Hawker, seconded by Councilmember Jaffa, that the recommendation of staff be approved.

Carried unanimously.

5. Introduction of the following ordinances and setting November 16, 1998 as the date for the public hearing on these ordinances.

(Note: City Council introduction of ordinances does not necessarily reflect City Council approval of these ordinances. Introduction of ordinances sets in motion the public posting and advertising process for ordinances so that the City council can hear from concerned citizens at the public hearing.)

- *a. **CZ98-001TC** Site 17 - generally bounded by University Drive, Mesa Drive, East 2nd Street and Pasadena. Rezone from TCR-2, TCR-3, and TCB-1 to TCC-PAD.
- *b. **CUP98-001TC** Site 17 - generally bounded by University Drive, Mesa Drive, East 2nd Street and Pasadena. Council Use Permit to allow a freestanding development with individual parking.
- *c. **HL98-002TC** 307 East First Street – establish a Local Historic Landmark Overlay District for the James A. Macdonald House (also known as the Antique Wedding House).

- *d. **Z98-44** East of the northeast corner of Country Club Drive and Baseline Road. Requesting approval of a Council Use Permit and rezone from C-3 to M-1 (33+ acres). This case involves the development of a group retail center on property zoned M-1 (C-3).
- *e. **Z98-52** The southeast corner of Signal Butte and Adobe. Rezone from R1-43 to R1-9-PAD (53.8 acres). This case involves development of a single residence subdivision. **(REINTRODUCTION.)**
- *f. **Z98-79** The northwest corner of Baseline and Val Vista Drive. Rezone from R1-7-PAD to C-2-BIZ-DMP (Conceptual R-4) (64+ acres). This case involves the development of a retail center with residences and a hotel. **(REINTRODUCTION.)**
- *g. **Z98-80** The northwest corner of Val Vista and Hermosa Vista Drives. Rezone from R1-35 to R1-35-PAD (56.1 acres net). This case involves the development of a gated single-residence subdivision (63 lots). **(REINTRODUCTION.)**
- *h. **Z98-82(A)** The 7800-8100 blocks of East McKellips Road (north side). Rezone from R1-15 to R1-15-PAD (80 acres). This case involves the development of a gated single-residence subdivision with private streets (128 lots).
- *i. **Z98-82(B)** The 7800 block of East Hermosa Vista Drive (south side). Rezone from R1-35 to R1-35-PAD (40+/- acres). This case involves the second phase of development of a gated single-residence subdivision with private streets (49 lots).
- *j. **Z98-84** South and east of the southeast corner of Lindsay and McKellips Roads. Rezone from C-1 and R1-43 to R1-9-PAD (12+/- acres). This case involves the development of 40-lot single-residence subdivision.
- *k. **Z98-88** The southwest corner of Brown and Power Roads. Rezone from R1-7 (conceptual C-2) to C-2 (4+/- acres). This case involves the development of a retail center.
- *l. **Z98-89** South and west of the southwest corner of Brown and Power Roads. Rezone from R1-7 (conceptual C-2) to R-2-PAD (13.7+/- acres). This case involves the development of a single-level townhome project.
- *m. **Z98-91** The southeast corner of Crismon Road and the Superstition Freeway. Rezone from R1-43 to R1-7-PAD and R-3 (152+/- acres). This case involves the development of a single-residence subdivision (108+/- acres) and apartments (44+/- acres).
- *n. **Z98-93** The southeast corner of Higley and Broadway Roads. Site plan modification (4.4+/- acres). This case involves a phased development with an Osco retail building.
- *o. **Z98-94** 637 West University Drive. Rezone from R-4 to O-S (1± acre). This case involves an existing structure with a nonconforming status.
- *p. **Z98-95** 1040 East University Drive. Rezone from R-4 and R1-6 to O-S (1+/- acres). This case involves the development of an office with residential quarters.
- *q. **Z98-96** 3800 East Huber Street (north side). Rezone from AG to R1-35 (2+/- acres). This case involves a conventional subdivision.

- *r. **Z98-97** The southeast corner of Brown Road and Val Vista Drive. Rezone from AG to R1-15 (60+/- acres). This case involves a conventional subdivision.
- *s. **Z98-98** The southeast corner of Southern Avenue and Higley Road. Rezone from AG to C-2 (11+/- acres). This case involves the development of a shopping center.
- *t. **Z98-99** South and east of the southeast corner of Southern Avenue and Higley Road. Rezone from AG to R-3 (23+/- acres). This case involves the development of an apartment complex.
- *u. **Z98-100** The southeast corner of Higley Road and Hampton Avenue. Rezone from M-1 to O-S-PAD (5+/- acres). This case involves the development of an office complex.
- *v. **Z98-102** The southwest corner of Superstition Springs Boulevard and the Superstition Freeway. Rezone from AG (conceptual C-1 and C-2) to C-2 (32+/- acres). This case involves the development of a hardware and garden facility.
- *w. Adopting the 1998 City of Phoenix Traffic Barricade Manual; reducing the speed limit from 35 mph to 30 mph on Mesa Drive from Lehi Road to the north City limits; establishing a 30 mph speed limit, a through street designation, and a parking prohibition on Springwood Boulevard from Baseline Road to the south City limits; prohibiting parking between 7:00 a.m. and 4:00 p.m. on school days on Robin Lane from Southern Avenue to Lindsay Road; and changing the full-time parking prohibitions on Jerome Avenue from Extension Road to Revere and Revere from Jerome Avenue to Juanita Avenue to 10:00 p.m. to 4:00 a.m., as recommended by the Traffic Safety Committee.
- *x. Relating to transportation; changing the designation of Chapter 8, Title 2, Mesa City Code to "Transportation Advisory Board"; amending Section 2-8-1, Mesa City Code; and adding Sections 2-8-2 through 2-8-4.
- *y. Relating to public health; amending Title 6, Chapter 11, Mesa City Code, by adding Article 2; providing penalties for the violation thereof and establishing a delayed effective date.

6. Consider the following resolutions.

- *a. Authorizing the City Manager to execute an agreement between the City of Mesa and the East Valley Institute of Technology for funding for the Safe Schools Program - Resolution No. 7275.
- *b. Authorizing the City Manager to execute an agreement between the City of Mesa and the Arizona Department of Public Safety on behalf of the Arizona Peace Officer and Standards and Training Board, on behalf of the Arizona Regional Community Policing Institute for Cooperative Assistance for Peace Officer Training pursuant to A.R.S. § 11-951 - Resolution No. 7276.
- *c. Authorizing the City Manager to execute an agreement between the City of Mesa and Mesa Unified School District #4 for the funding for the Safe Schools Program - Resolution No. 7277.
- d. Encouraging citizen participation during the zoning and development review process. **CONTINUED FROM THE OCTOBER 5, 1998 COUNCIL MEETING** - Resolution No. 7283.

Gibson McKay, 7540 North 7th Avenue, #40, Phoenix, representing the Home Builders Association, noted the importance of citizen input relative to the zoning and development review process but concurred with the City's Planning and Zoning Board that the resolution before Council is unnecessary.

Mr. McKay commended Council for their foresight but commented that citizen input is currently elicited. Mr. McKay indicated that he has submitted a letter relative to this issue and expressed appreciation to Council for the opportunity to speak.

Mev Johnson, 4520 North 12th Street, #201, Phoenix, representing Valley Partnership, advised that Valley Partnership initially submitted a letter outlining concerns relative to implementing the proposed citizen review process in conjunction with a districting system. Ms. Johnson noted the City's intent to adopt the process on a voluntary basis but expressed the opinion that the proposal is ambiguous. Ms. Johnson recognized the importance of citizen involvement but encouraged efforts to develop more defined policies and guidelines.

Councilmember Hawker briefly outlined the proposed implementation on a voluntary basis. In response to a question from Councilmember Hawker, Ms. Johnson commented that once established, policies typically become more difficult to modify as time progresses. Ms. Johnson spoke in favor of initially adopting a more inclusive, well-defined proposal. Ms. Johnson stated that if approved by Council as a policy at this time, feedback from developers in evaluating the process would be of benefit.

Bill Puffer, 8330 East Thomas Road, President of the Spook Hill Homeowners' Association, stated support for efforts to encourage citizen involvement. Mr. Puffer said that he recognizes that the proposal will not resolve all issues but will serve as a tool to enhance the process. Mr. Puffer volunteered to participate in discussions relative to this matter.

Councilmember Kavanaugh stated that the citizen participation process has been discussed by Council during the past year and that in developing the proposed resolution, staff has reviewed procedures adopted by the City of Glendale (initially voluntary implementation; currently mandatory) and has obtained input from entities such as the Planning and Zoning Board and the Downtown Development Committee (DDC). Councilmember Kavanaugh advised that the resolution before Council would implement the process on a voluntary basis to encourage early citizen involvement. Councilmember Kavanaugh highlighted components of the proposal and commented that while consensus cannot be guaranteed, the plan will be of assistance.

Councilmember Kavanaugh noted that the City's Planning and Zoning Department is currently understaffed in comparison to other communities and expressed the opinion that the benefits provided by the proposed citizen participation process outweigh the costs associated with the addition of a staff member. Councilmember Kavanaugh said that he strongly supports the resolution.

Councilmember Pomeroy spoke in favor of citizen participation but stated that he cannot support the proposal before Council. Councilmember Pomeroy expressed concern regarding the necessity for additional staff and noted the Planning and Zoning Board's opinion that the current voluntary process works well and recommendation (vote 7-0) that the draft resolution not be adopted by Council.

Councilmember Jaffa noted the importance of citizen participation in the zoning process but expressed the opinion that the proposal before Council will be cumbersome and detrimental. Councilmember Jaffa related concerns regarding requirements for additional staff and stated that the proposal will not materially increase citizen involvement. Councilmember Jaffa encouraged increased research/review of zoning cases by Council and the Planning and Zoning Board but concurred with the Planning and Zoning Board that this resolution is unnecessary.

In response to a question from Councilmember Hawker, Community Development Manager Wayne Balmer clarified that it would be the intent of staff to monitor the process for a year and report to Council concerning effectiveness. Mr. Balmer indicated that pursuant to the resolution, voluntary participation would be implemented until additional direction is received from Council.

Councilmember Hawker stated the opinion that the proposal will serve to encourage neighborhood interaction. Councilmember Hawker suggested that staff review the process with new developers to identify neighborhood associations and urged cross-training of staff and utilization of neighborhood (zoning) meetings to disseminate various types of information. Councilmember Hawker noted support for implementing the process on a voluntary basis and evaluating the effectiveness of the program. Councilmember Hawker commended Councilmember Kavanaugh for his efforts relative to this issue.

It was moved by Vice Mayor Giles, seconded by Councilmember Kavanaugh, that Resolution No. 7283 be approved.

Mayor Brown spoke in favor of implementation on a voluntary basis and obtaining input during the next year concerning the effectiveness of the process.

Upon a tabulation of votes, it showed:

AYES - Brown-Davidson-Giles-Hawker-Kavanaugh
NAYS - Jaffa-Pomeroy

Mayor Brown declared the motion carried by majority vote and Resolution No. 7283 adopted.

- *e. Authorizing the City Manager to amend an Intergovernmental Agreement with Maricopa County pertaining to Williams Child Care Facility Rehabilitation at Williams Gateway Airport - Resolution No. 7278.
- *f. Authorizing the City Manager to execute necessary documents to acquire and to lease certain real property on North Cherry Street to ARM of Save the Family - Resolution No. 7279.
- g. Setting December 7, 1998 as the date for the hearing on the continuation of the Mesa Town Center Improvement District. This District provides enhanced municipal services for the Mesa Town Center - Resolution No. 7284.

Bill Brando, 61 South Macdonald, requested clarification pertaining to the proposed method of voting on December 7, 1998, given the fact that four Councilmembers have a potential conflict of interest regarding this matter. Mr. Brando encouraged the City to provide notice to assessed property owners concerning the manner in which the hearing will be conducted.

Mr. Beets explained that pursuant to State law, if a potential conflict of interest prevents a public body from acting relative to an issue, members must declare the potential conflict of interest but participate in discussion and decision making concerning such issue. Mr. Beets stated that should Council approve the proposed resolution, notice of the hearing and a "Survey of Opinion" will be forwarded to Town Center property owners allowing them to indicate that they support, protest, or have no opinion regarding the continuation of the Town Center District. Mr. Beets advised that the tabulation of survey results and information from the Mesa Town Center Corporation (MTCC) will be presented to Council.

Councilmember Hawker indicated that he is one of the four Councilmembers with a potential conflict of interest. Councilmember Hawker expressed appreciation to staff for their efforts in developing the survey form and said that he anticipates the tabulation of results.

Mayor Brown stated support for the efforts of staff and the MTCC. Mayor Brown briefly related concerns previously expressed relative to funding of the Town Center Improvement District and noted that potential alternatives will be discussed at upcoming Council work sessions.

Councilmember Jaffa stated appreciation for the survey form prepared by staff. It was moved by Vice Mayor Giles, seconded by Councilmember Kavanaugh, that Resolution No. 7284 be adopted.

Carried unanimously.

- *h. Authorizing the City Manager to execute an Intergovernmental Agreement between Superstition Views Street Lighting Improvement District and the City of Mesa for the operation and maintenance of street lighting facilities - Resolution No. 7280.
- *i. Vacating a portion of the 2800 block of North Usery Pass Road - Resolution No. 7281.

Usery Pass Road is being realigned and this portion is no longer needed. **CONTINUED FROM THE OCTOBER 5, 1998 COUNCIL MEETING.**
- *j. Granting an easement to Salt River Project for underground power at the South Water Reclamation Plant - Resolution No. 7282.

7. Consider the following ordinances.

- *a. Pertaining to Chapter 18 of the zoning ordinance, amending Section 11-18-6 by deleting a specified fee; amending Section 11-18-8 regarding the purpose and intent of site plan review; amending Section 11-18-9 regarding implementation and enforcement of Design Review Board decisions; amending Sections 11-18-10, 11-18-11, and 11-18-12 involving minor technical and clerical changes; and providing penalties for the violation thereof - Ordinance No. 3546.
- b. Pertaining to development impact fees; amending Title 5, Chapter 17, relating to development fees; and providing penalties for the violation thereof - Ordinance No. 3547.

Mayor Brown advised that the proposal before Council clarifies aspects of the City's development impact fee ordinance and that concern has been expressed in reference to revising the term "shall" to "may" concerning inflationary escalators based on adjustments in the Consumer Price Index (CPI).

Mev Johnson, 4520 North 12th Street, #201, Phoenix, representing Valley Partnership, noted that revisions to the City's development impact fee program adopted in July 1998 became effective November 1, 1998. Ms. Johnson stated appreciation to Mayor Brown and staff for their efforts to develop a fair and equitable plan. Ms. Johnson requested that Valley Partnership remain involved should the issue of arterial street fees be considered in the future.

In reference to the clarifications currently before Council, Ms. Johnson recommended utilization of the term "may" in relation to inflationary escalations based on CPI adjustments. Ms. Johnson commented that use of the term "shall" limits flexibility and may present unforeseen circumstances in the future.

Mark Bare, 2200 Broadway, representing Motorola and the Mesa Chamber of Commerce Major Employers Committee, expressed appreciation for the opportunity to provide input regarding the City's development impact fee program. Mr. Bare indicated support for the objective that new development bear a proportionate share of the cost of improvements but recommended that the term "may" be utilized in reference to inflationary escalations based on adjustments in the CPI. Mr. Bare requested a continued opportunity to remain involved concerning the development impact fee program.

In response to a question from Councilmember Hawker, Assistant to the City Manager Bryan Raines stated that it would be the intent of staff to utilize an amount equivalent to (not greater or less than) an

annual CPI level of adjustment should the term "may" be included in the development impact fee ordinance. Mr. Raines said that if an adjustment is not imposed during a given year (or years), staff could subsequently consider a one-step modification based upon the total change in the CPI from the last instance an adjustment was made.

Councilmember Hawker spoke in favor of the term "shall" to ensure sufficient funding for construction.

Councilmember Kavanaugh noted that the ordinance requires review at least once every three fiscal years and commented that consideration of inflationary adjustments on a discretionary basis is an appropriate added safety measure.

It was moved by Councilmember Kavanaugh, seconded by Vice Mayor Giles, that Ordinance No. 3547 be approved.

In response to a question from Councilmember Jaffa, Mr. Raines advised that State law prescribes procedures and time frames relative to modifications to development fees. Mr. Raines said that the City must comply with such procedures and time frames whether the term "may" or "shall" is utilized but commented that citizen input will carry greater significance if inflationary adjustments are not mandated. Mr. Raines noted that staff anticipates review of the development fees during the next calendar year.

Councilmember Jaffa stated support for utilization of the term "may" but encouraged review on an annual basis. Councilmember Jaffa spoke in favor of the proposed ordinance but expressed concern that the current fees are insufficient, particularly given the fact that the City does not assess a property tax.

Councilmember Pomeroy stated the opinion that the ordinance before Council provides control and flexibility and said that he will vote in favor of the motion.

Councilmember Davidson commented that automatic annual inflationary escalators are appropriate and spoke in favor of the term "shall."

Vice Mayor Giles expressed the opinion that the term "shall" would restrict the ability of future Councils to respond to economic conditions.

Upon a tabulation of votes, it showed:

AYES - Brown-Giles-Jaffa-Kavanaugh-Pomeroy
NAYS - Davidson-Hawker

Mayor Brown declared the motion carried by majority vote and Ordinance No. 3547 adopted.

8. Consider the following recommendation from the Parks and Recreation Board.

- *a. Adopting the proposed operational policies and fees for the Red Mountain Multigenerational Center facility rental and fitness programs.

9. Consider the following subdivision plat.

- *a. "SUNRISE AT PARKWOOD RANCH" - The 9000 block of East Coralbell Avenue (north side). 104 R-2-PAD-DMP single-residence lots (18.70 acres). Zenith Parkwood L.L.P., developer; Tobar Engineering, engineer.

10. Adjournment.

It was moved by Vice Mayor Giles, seconded by Councilmember Kavanaugh, that the Regular Council Meeting adjourn at 7:00 p.m.

Carried unanimously.

WAYNE BROWN, MAYOR

ATTEST:

BARBARA JONES, CITY CLERK

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the Regular Council Meeting of the City Council of Mesa, Arizona, held on the 2nd day of November 1998. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this ____ day of _____ 1998

BARBARA JONES, CITY CLERK