



COUNCIL MINUTES

May 17, 2004

The City Council of the City of Mesa met in a Regular Council Meeting in the Council Chambers, 57 East 1st Street, on May 17, 2004 at 5:45 p.m.

COUNCIL PRESENT

Mayor 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 Councilmember Kyle Jones.

Pledge of Allegiance was led by Mayor Keno 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.

Presentation by Judge Barbara Mundell, Associate Presiding Judge, to Mesa City Magistrate Victor Ortiz.

Maricopa County Superior Court Judge Barbara Mundell, on behalf of Presiding Judge Colin Campbell, presented a plaque to City Magistrate Victor Ortiz in recognition of his 21 months of service as Acting Interim Presiding Judge of the Guadalupe Municipal Court. She expressed appreciation to Magistrate Ortiz for his efforts and hard work to improve the public's trust and confidence in the Guadalupe Municipal Court. Judge Mundell also acknowledged former Presiding City Magistrate Walter Switzer and the current Presiding City Magistrate Matt Tafoya for promoting excellence in the administration of justice through the generous sharing of their judicial resources with the Guadalupe Municipal Court.

Mayor Hawker congratulated Magistrate Ortiz for his accomplishments.

Recognition of outgoing Board and Committee Members.

Vice Mayor Kavanaugh expressed appreciation for the efforts of the citizens who served on the City's advisory boards and committees. Mayor Hawker presented plaques to the individuals who were completing terms of service.

Mayor Hawker noted that tonight is Vice Mayor Kavanaugh's final Regular Council meeting and expressed appreciation for all of his contributions to the City of Mesa throughout his tenure on the Council.

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 May 3, 2004 Council meeting.

3. Conduct a Public Hearing on the Mesa Town Center Improvement District No. 228 annual assessments. (See item no. 7a)

Mayor Hawker and Councilmember Whalen declared potential conflicts of interest and said they would refrain from discussion/participation in this agenda item. Mayor Hawker yielded the gavel to Vice Mayor Kavanaugh for action on this agenda item.

Vice Mayor Kavanaugh announced that this is the time and place for a public hearing regarding the Mesa Town Center Improvement District No. 228 annual assessments.

Tom Verploegen, Executive Director of the Mesa Town Center Corporation (MTCC), 58 West Main Street, addressed the Council relative to this agenda item. He reported that his office has received three protests relative to the annual assessments, two of which were for philosophical reasons regarding the benefit of services. Mr. Verploegen advised that the third protest concerning the property located at 217 North Morris Street is a valid one, and he requested that the assessment of \$374 be removed from the assessment roll. He stated that the property is in the process of being converted from commercial to residential usage. Mr. Verploegen added that with this modification, for fiscal year 2004/2005, the Mesa Town Center Improvement District would assess 542 parcels for a total of \$244,766.

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

With action on this agenda item being completed, Vice Mayor Kavanaugh yielded the gavel back to Mayor Hawker.

4. Consider the following liquor license applications:

*a. GEETA KUMARI BHATT, AGENT

Person and location transfer for U Stop C Store, 5207 East Main Street. This is an existing business. This is a person and location transfer from Dewan Mahesh Meghraj, Agent, for Scottsdale Liquor Mart, 2931 North 68th Street, Scottsdale. This license will transfer to the applicant. The current Beer and Wine License of Harish N. Patel, Agent, U Stop Convenient Store, will revert back to the State. District #5.

*b. JUAN GERARDO CARREON, INDIVIDUAL

New Restaurant License for Bronco Mexican Food, 2045 West Main Street. This is an existing business. No previous liquor license at this location. District #3.

*c. QICHANG GUAN SITU, AGENT

New Restaurant License for Jong Wah Chinese Restaurant, 1309 West Guadalupe Road, Suite 4. This is an existing business. No previous liquor licenses at this location. District #3.

*d. EVERARDO RUBIO, INDIVIDUAL

New Restaurant License for Mariscos Ensenada, 1328 West University Drive. This is an existing business. The license previously held at this location by Ernesto Amaya Rascon, Agent for Sonora Steak and Bar, will revert back to the State. District #1.

5. Consider the following contracts:

*a. Broadcast audio and video equipment as requested by the Marketing & Communications Division.

The Purchasing Division recommends accepting the bid as follows:

Items 1-4, and 27-41 to Audio Video Resources at \$64,595.16;

Items 5-7, 10-12, 23, and 45 to B & H Photo Video at \$6,112.13;

Items 8, 9, 25, 26, 43 and 46 to Burst Communications at \$49,654.65;

Items 13-16, and 44 to New Horizons Film & Video at \$12,366.64;

Items 17-22, and 24 to EAR at \$21,443.80; and

Item 42 to Troxell Communications, Inc. at \$6,905.68.

The combined award is \$161,078.06 including applicable sales and/or use tax.

- *b. Records Management System for the Fire Department as requested by the Information Services Division.

The Purchasing Division endorses the Evaluation Team's recommendation to accept the proposal from Visionary Systems, LTD for an amount not to exceed \$108,210.76. Visionary Systems' proposal received a score of 836 points (83.6% of the maximum). The Purchasing Division further recommends approving:

\$14,602.39 for project contingencies (10% of total project, including all hardware and software).

The combined total award for these expenses is not to exceed the amount of \$122,813.15.

- *c. One replacement front-loading refuse truck for the Solid Waste Division, to be used for collection of commercial accounts.

The Purchasing Division endorses the evaluation team's recommendation to accept the low bid meeting specification by Cunningham Commercial Vehicles at \$176,720.40, including desired options, extended warranties and applicable sales tax.

- *d. GIS Software Licenses as requested by Information Services.

The Purchasing Division recommends authorizing purchase from the State of Arizona contracts with Environmental Systems Research Institute, Inc. for a total of \$26,533.05, including applicable sales tax.

- *e. Facilities Management Software for the Mesa Arts Center as requested by the Information Services Division (ISD).

The Purchasing Division recommends accepting the only bid from Event Software, for a total of \$24,362.80, including applicable sales tax. **(Sole Source)**

The Purchasing Division further recommends approving \$5,716.13 for server hardware using the City's Intergovernmental Agreement with the State of Arizona to utilize the Western States Contracting Alliance contracts with Hewlett Packard, including tax.

- *f. Five 800 MHz mobile radios for patrol vehicles as requested by the Communications Division.

The Purchasing Division recommends authorizing purchase from the State of Arizona contract with Motorola, Inc. at \$20,689.26, including applicable sales tax.

- *g. Network Equipment as requested by Information Services.

The Purchasing Division recommends approving: \$250,689.51 for network upgrade equipment from the State of Arizona contracts with Ames Business and Learning Environments, Inc., including applicable sales tax; and, the low bid from Future Com Ltd.

for network troubleshooting equipment, for a total of \$63,084.95, including applicable sales tax.

The combined total award for the recommended purchases is \$313,774.46. This includes a \$100,573.43 credit for trade-in equipment.

*h. Deleted.

*i. Eight new workstations and twelve reconfigured workstations for Customer Service, Building Safety and Planning as requested by Development Services.

The Purchasing Division recommends authorizing purchase from the State of Arizona contract with Goodman's, Inc. at \$46,724.68 including design, installation, delivery and applicable sales tax.

*j. Re-roof of Southwest Museum, South Center Campus Building 3, and East Mesa Service Center Fleet Support Building. City of Mesa Project No. 03-908-001.

This project will remove and replace the modified bitumen roofing on three different buildings including the Southwest Museum, South Center Street Campus, Building No. 3 and the East Mesa Service Center Fleet Support Building.

Recommend award to low bidder, Custom Roofing Co. Inc., in the amount of \$173,370.00 plus an additional \$17,337.00 (10% allowance for change orders) for a total award of \$190,707.00.

*k. Foam Roof Replacement of Mesa City Plaza and Foam Roof Recoating of Hohokam and Fitch Park Buildings and Fire Station No. 209. City of Mesa Project No. 03-907-001.

This project will remove and replace the foam roof on the City Plaza Building and apply a recoating on the existing foam roofs at Hohokam and Fitch Park buildings and at Fire Station No. 209.

Recommend award to low bidder, Progressive Roofing, in the amount of \$140,473.00 plus an additional \$14,047.00 (10% allowance for change orders) for a total award of \$154,520.00.

l. Leisure World Water Valve Replacement – Phase 1. City of Mesa Project No. 01-597-001.

This project will replace the existing waterline valves with valves meeting City standards. Recommend award to low bidder, B&F Contracting, Inc., in the amount of \$245,206.00 plus an additional \$24,520.00 (10% allowance for change orders) for a total award of \$269,726.00.

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 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.

With action on this agenda item being completed, Vice Mayor Kavanaugh yielded the gavel back to Mayor Hawker.

- *m. Replacement Gate Operators for Front Entrance Gates at CAP Water Treatment Plant. Project UT-04-003. These gates will replace the current obsolete electronic gates.

Recommend award to low bidder, Phoenix Fence Company, in the amount of \$29,963.00, plus an additional \$2,996.30 (10% allowance for change orders) for a total award of \$32,959.30.

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

- *a. Pertaining to the subdivision regulation of the Mesa City Code; amending Title 9, Chapter 6, Section 5 regarding various amendments to the Desert Uplands Development standards and providing penalties for the violation thereof.
- b. **Z03-12 (District 5)** The 4400 block of East McLellan Road (south side). Located south and east of Greenfield Road and McKellips Road (1.76± acres). 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.
COMPANION ZONING CASE Z04-34.

Inez Wortman, 4464 E. Halifax Street, explained that she and several of her neighbors were unfamiliar with City policy relative to the introduction of ordinances. She stated that she would be willing to postpone addressing the Council regarding this case and also agenda item 6c until the June 7, 2004 public hearing.

Mayor Hawker thanked Ms. Wortman for her comments and noted that the following citizens submitted blue speaker cards, but agreed to reserve their comments until the June 7th public hearing:

Kim Browning	4454 E. Halifax
William Demarbiex	4450 E. Hobart
Jim Demarbiex	4425 E. Halifax
Jessica Valdez	4425 E. Halifax
Paula Demarbiex	4450 E. Hobart

It was moved by Vice Mayor Kavanaugh, seconded by Councilmember Walters, that an ordinance regarding Zoning Case Z03-12 be introduced and that June 7, 2004 be set as the date of public hearing on the ordinance.

Carried unanimously.

- c. **Z04-34 (District 5)** The 4400 block of East Hannibal Street (north side). Located south and east of Greenfield Road and McKellips Road (0.26± acres). Rezone from R-3 to R1-9. This case involves the development of a single-residence lot. John Bellerose, owner; Randy Carter, Dreamcatchers Planning & Design, applicant. **COMPANION ZONING CASE Z03-12.**

It was moved by Councilmember Walters, seconded by Vice Mayor Kavanaugh, that an ordinance regarding Zoning Case Z04-34 be introduced and that June 7, 2004 be set as the date of public hearing on the ordinance.

Carried unanimously.

- *d. **Z03-59 (District 1)** The 400 block of North Dobson Road (west side). Located north and west of University Drive and Dobson Road (2.18± acres). Site Plan Modification. The case involves the development of office buildings. Bryan Faith, owner; John Eden, Eden Architects, applicant.
- *e. **Z04-28 (District 5)** 4646 East Main Street. Located north and east of Greenfield Road and Main Street (3.5± acres). Rezone from C-2 to C-3. This request is to allow for outdoor sales/display associated with an existing business. Lisa Kazan, owner; David Skogebo, applicant.
- *f. **Z04-29 (District 5)** 3941 North Higley Road. Located north and east of Thomas Road and Higley Road (2.88± acres). Site Plan Modification. This request is for the expansion of an existing building. Gary & Roger Understiller, owners; John Manross, applicant.
- *g. **Z04-30 (District 6)** 2941 South Ellsworth Road. Located south and east of Guadalupe Road and Ellsworth Road (6.64± acres). Rezone from C-2 DMP to C-2 PAD – DMP. This request is for the development of office buildings. Kelly Hogart, owner; Craig Cote, UTAZ Development, applicant.
- *h. **Z04-31 (District 6)** The 7200 block of East Southern Avenue (north side). Located north of Southern Avenue and east of Power Road (2.4± acres). Site Plan Review. This case involves the development of an Arizona Federal Credit Union. Ann Burns, owner; David Jaeckels, applicant.
- *i. **Z04-33 (District 6)** Northeast corner and northwest corner of Baseline Road and Crismon Road (45± acres). Rezone from R1-43 to C-2. This case involves the development of a multi-use commercial development. Stuart L. Rider, Rider Land & Development LLC, applicant.
- *j. Repealing Chapter 11 of Title 2, Board of Appeals in its entirety, and adopting a new Chapter 11 of Title 2 entitled Building Board of Appeals.
- *k. Repealing Chapter 13 of Title 2, Electrical Advisory Board in its entirety.

- *l. Repealing Chapter 10 of Title 2, Plumbing, Mechanical and Solar Energy Advisory Board in its entirety.

- m. **Z04-01 (District 6)** Northeast and northwest corners of Ellsworth Road and Germann Road (320 acres). Rezone from R1-43 to M-1 and M-1 (conceptual C-2). This request is to bring zoning into conformance with Mesa 2025 General Plan. Various owners; Wayne Balmer, Project Manager WGAA, applicant. **(3/4 VOTE REQUIRED TO APPROVE THIS CASE – OPTION E)**

Williams Gateway Regional Economic Activity Area Project Manager Wayne Balmer, speaking as the applicant, provided a brief update regarding staff's ongoing efforts to address the concerns of the Queen's Park subdivision residents since the matter was presented to the Council at the May 3, 2004 Regular Council Meeting. He displayed graphics in the Council Chambers and highlighted the various options that have been discussed/considered thus far including Option A (recommended by the Planning and Zoning Board), Option B (recommended by the City Transportation Department), Option C (proposed by Queen's Park resident Ladell Call), and Option D (which would have to be reintroduced and acted upon at a later date).

Mr. Balmer commented that Option E, which is currently under consideration, proposes that the west 200 feet adjacent to South 88th Street be zoned as Planned Employment Park (PEP) and that the remaining area subject to rezoning be M-1. He stated, among other things, that the designation is the City's most restrictive industrial classification and would include uses such as offices, office warehousing, wholesaling and manufacturing that would all take place within enclosed structures; that Options A and B contain significant restrictions relative to the 200-foot strip and Option E would be consistent with those conditions; that the City Attorney's Office has reviewed Option E and determined that the Council could consider and take action on the proposal without sending the zoning case back to the Planning & Zoning Board because the property owner has agreed to all of the conditions recommended by the Board; and that it is staff's opinion that the proposal is a reasonable compromise for the Queen's Park subdivision residents.

Mr. Balmer further explained that the Council is at liberty to consider Options C or D, but noted that the proposals would require that the zoning case be sent back to the Planning and Zoning Board to begin the process again. He stated that if the Council proceeds with the introduction of the ordinance, and specifically Option E, this would allow the Council to consider Options A, B or E at the June 7th public hearing. Mr. Balmer added that as the applicant in the case, he is requesting that agenda item 8d (Zoning Case Z04-01) be continued to the June 7th Regular Council Meeting.

In response to a question from Councilmember Walters regarding the reason why Mr. Balmer is suggesting that 8d be continued, Mr. Balmer clarified that Options A and B have been introduced for Council action, and that by voting in opposition to 8d this evening, the case would have to be reintroduced and re-advertised in the newspaper. He commented that pending Council support for Option E, staff is prepared to display two signs on the subject property apprising citizens that the case is still active, will re-advertise in the newspaper and also send letters to the Queen's Park subdivision residents advising them of the City's plans to proceed with Option E at the June 7, 2004 Regular Council Meeting.

In response to a question from Councilmember Griswold, Mr. Balmer clarified that if the Council approves Option E at the June 7th Regular Council Meeting, the applicant would agree to the same conditions as contained in Options A or B. He added that the property owner would also submit a letter (indicating his support for the conditions) that would become part of the zoning case file.

Discussion ensued relative to possible options that the property owner could pursue regarding the development of the property if the PEP zoning were adopted and the sale of the 220-foot strip of land is or is not completed.

Councilmember Thom questioned whether there were any residents from the Queen's Park subdivision present in the audience who wished to address the Council relative to their "comfort level" as it relates to Option E.

Mr. Balmer advised that he is aware of two Queen's Park residents present this evening who have indicated to him they do not wish to address the Council at this time.

City Attorney Debbie Spinner emphasized that the Council's action tonight is merely the introduction of the ordinance and added that the June 7th public hearing would provide the residents an opportunity to express any concerns they may have regarding this item.

It was moved by Councilmember Walters, seconded by Councilmember Jones, that an ordinance regarding Zoning Case Z04-01 be introduced for adoption and that June 7, 2004 be set as the date for the public hearing on the ordinance.

Councilmember Thom voiced opposition to the motion and stated that alternative proposals such as Options C and D may be more appropriate choices. She added that she is opposed to proceeding with the matter until such time as the residents of Queen's Park have the opportunity to provide input to the Council relative to Option E.

Mayor Hawker expressed support for the motion. He explained that in his opinion, the PEP land use designation would offer Mr. Call the necessary flexibility to come back to the Council with a development plan. He stated that it would also provide a much-needed buffer between the residential subdivision and the proposed industrial area.

Councilmember Jones voiced support for the motion and reiterated that he is anxious for the new zoning to become effective as soon as possible so that Mr. Call can proceed with this development plan.

Upon tabulation of votes, it showed:

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

Mayor Hawker declared the motion carried by majority vote.

7. Consider the following resolutions:

- a. Approving the final assessments for the Mesa Town Center Improvement District No. 228 – Resolution No. 8244.
This District provides funding for planning, promotion, marketing and enhanced municipal services for the Mesa Town Center.

Mayor Hawker and Councilmember Whalen declared potential conflicts of interest and said they would refrain from discussion/participation in this agenda item. Mayor Hawker yielded the gavel to Vice Mayor Kavanaugh for action on this agenda item.

It was moved by Councilmember Thom, seconded by Councilmember Walters, that Resolution No. 8244 be adopted.

Upon tabulation of votes, it showed:

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

Vice Mayor Kavanaugh declared the motion carried unanimously by those voting and Resolution No. 8244 adopted.

With action on this agenda item being completed, Vice Mayor Kavanaugh yielded the gavel back to Mayor Hawker.

- *b. Authorizing the City Manager to execute an Intergovernmental Agreement between the Arizona Department of Transportation and the City of Mesa for the design and construction of enhancements to the Red Mountain Freeway from Gilbert Road to Higley Road (ADOT JPA #02-153) – Resolution No. 8227.
- *c. Rescinding the previously approved Resolutions for the Crismon Business Park Special Improvement District No. 241 – Resolution No. 8228.

This District proposes to install street improvements along East Hampton Avenue, South Cheshire Street and South Crismon Road within the Crismon Business Park
- d. Adopting the Freeway Landmark Monument Guidelines and affirming support for the appropriate placement of freeway identification signage – Resolution No. 8245.

David Udall, 30 West 1st Street, an attorney representing the Hurley family and Kimco DeRito, addressed the Council and expressed support for adoption of the Freeway Landmark Monument Guidelines with the following amendments: Section V, "Modifications and Alternatives," paragraph E, be modified to read: A Freeway Landmark Monument is proposed on a property having a General Plan designation of Mixed Use/Employment and such property is located within **two** miles of two (2) intersecting freeways. Section V(D) be corrected to state: Such modifications or alternatives are consistent with the intent of these Guidelines and will result in conditions that are commensurate with or superior to the Guidelines; **or**" (the word "or" to be added to the end of the sentence.)

Mr. Udall explained that he is requesting changes to Section V(E) to ensure that freeway landmark monuments are permitted on the Hurley property.

City Attorney Debbie Spinner concurred with Mr. Udall's suggestions.

Lois Yates, Executive Director of the Falcon Field Area Alliance, P.O. Box 21648, voiced concerns that the proposed ordinance does not include Falcon Field as a potential location for freeway landmark monuments. She explained that Mesa's Economic Development Office is in the process of implementing an aggressive marketing strategy for the Falcon Field area and commented that it would be unfortunate if a major corporation, such as IBM, was interested in locating to the area, but was not permitted to display a freeway landmark monument per the ordinance.

In response to Ms. Yates' comments, Councilmember Walters noted that the Freeway Landmark Monument Guidelines are not adopted by ordinance, but rather resolution. She noted that she too has concerns regarding the Guidelines and is reluctant to "opening this door very far, very fast." She stressed that it has always been her desire that the Council maintain oversight and "keep a tight rein" on the Guidelines.

Councilmember Walters recounted that throughout the formation of the Guidelines, the Council has directed staff, among other things, to limit the number of potential landmark locations, impose restrictions with regard to view corridors, and encourage neighborhood input when a request for an identification sign comes forward. She also commented that the requests must go through a stringent review process with the Planning & Zoning Board, the Design Review Board, and then the Council for a final determination. Councilmember Walters reiterated that she has always directed staff to limit the number of freeway landmark monument locations. She added that if a major corporation, such as IBM, was interested in locating to the Falcon Field area, she would encourage Ms. Yates to apprise the Council of that fact so that it could discuss and consider possible options with regard to signage issues.

Councilmember Griswold expressed support for the Guidelines and suggested that they be used on a trial basis. He added that he is anxious to see what the first freeway landmark monuments look like and stated that he hopes they are attractive and tasteful. Councilmember Griswold also stressed that the Council will maintain the ability to disallow any signage that negatively impacts the community.

Mayor Hawker commented that he is having difficulty balancing the necessity of Mesa competing with the surrounding communities for sales tax dollars through the use of freeway landmark monuments versus maintaining a livable community in which the City's freeway corridors appear uncluttered and attractive to the motoring public. He explained that because of the importance of generating sales tax revenues, a "competition of one-up" among the communities has been created resulting in a proliferation of signs throughout the Valley.

Mayor Hawker suggested that a possible alternative to the freeway landmark monuments would be the establishment of a regional sales tax sharing program, wherein the communities with joint borders could establish a shared revenue stream and would not have to be pitted against each other for sales tax dollars. He added that he is interested in bringing the proposal to the Maricopa Association of Governments (MAG) Regional Council for discussion and consideration. Mayor Hawker added that he would prefer to pursue an option such as this prior

to the appearance of Mesa's freeways changing drastically by allowing freeway landmark monuments. He concluded his remarks by expressing opposition to the adoption of the Guidelines as presented and added that it is not in the City's best interest long-term to permit such signage.

Councilmember Whalen expressed support for the introduction of the Guidelines, but stated that his preference would have been to include the General Plan designation of "Business Park" with "Regional Commercial" and "Public/Semi Public" as appropriate locations for the signs. He acknowledged that the Council is in receipt of a letter from Robert McNichols, a representative of Daedalus Real Estate Advisors, who requested that the Council add the "Business Park" designation and delete "Public/Semi-Public" from the Guidelines as potential sign locations. He commented that Mr. McNichols had suggested that the deletion of the "Public/Semi-Public" would eliminate the potential for the signage at areas such as the City of Mesa water treatment plant, public golf course and park, and Sunshine Acres Children's Home. Councilmember Whalen responded to those comments by clarifying that the adoption of the Guidelines does not mean that the Council would necessarily approve those locations for signs, and added that the only reason "Public/Semi Public" is identified in the Guidelines is because the area surrounding the 101/202 corridor is designated as that land use designation.

Councilmember Thom voiced support for the introduction of the Resolution. She commented that she has consistently requested that staff include more specific guidelines in the Resolution, but has been unsuccessful in that endeavor. Councilmember Thom stated that she envisions that the future signs would be attractive, not obstruct view corridors, and would assist those businesses that construct the signs to generate needed sales tax revenues for the City of Mesa.

Discussion ensued relative to the proposed design and construction specifications contained in the Guidelines; the fact that two years ago, the Council adopted amendments to the sign code which disallowed "can on a stick" type signs; and the fact that such signs would not be permitted as freeway landmark monuments.

Councilmember Jones expressed support for proceeding with the introduction of the Resolution. He also clarified that although the Guidelines refer to 80 feet as a standard measurement for the height of the signs, it does not necessarily mean that such a height would be allowed in areas along the freeway, for example, that are at or above grade.

Vice Mayor Kavanaugh commented that he has remained consistent in his opposition to this issue since it was first presented for consideration to the General Development Committee in 2003. He noted, however, that he has been supportive of the revisions to the proposal as it has moved forward and stated that it is an improved product from what was initially drafted. Vice Mayor Kavanaugh also thanked Mr. Gendron and his staff for their efforts and hard work with regard to the development of the Guidelines. He recounted that the issue of sign regulation was one of the motivating factors for him to run for City Council in 1986 and added that since that time, the Council has adopted many significant policy changes to the betterment of the community. Vice Mayor Kavanaugh stated that in his opinion, "architecturally significant" landmark monuments would include, for example, the Washington Monument or the Arch in St. Louis, and not massive signs advertising car dealerships or discount chains.

Mayor Hawker commented that because the Hurley and the Riverview Golf Course properties are elevated and would be visible to motorists traveling along the freeway, in his opinion, there

would be no need for freeway landmark monuments and the signage could possibly be attached to the buildings themselves. He questioned how the Guidelines would interpret such a scenario.

In response to Mayor Hawker's comments, Mr. Gendron clarified that the issue of signage may become more of an issue of want as opposed to need. He advised that conceivably, businesses may wish to construct signs in areas when, in reality, the entity is already visible from the freeway. He stated that under such circumstances, it would be necessary to review each request on a case-by-case basis, and if additional height was not warranted, the Planning and Zoning Board and the Design Review Board would make recommendations to the Council in that regard.

Further discussion ensued relative to the fact that there are businesses located along the Superstition Freeway, for example, that displayed visible signage in the past which is no longer visible as a result of recent roadway improvements; that virtually all of the car dealerships along the Superstition Freeway have comprehensive sign plans; and possible solutions, via a comprehensive sign plan, to address a developer's request to place a large sign on the side of a building as opposed to constructing a freeway landmark monument.

In response to a question from Councilmember Walters, Ms. Spinner clarified that the potential locations for freeway landmark monuments, as defined by staff, are just that, and added that the Council would have the discretion not to approve a particular area if, after discussion, a basis was established in that regard.

Councilmember Walters stated that it is important to her that the Council has the ability to consider a complete sign package that includes not only a developer's request for freeway landmark monuments, but any other type of signage as well.

In response to Councilmember Walters' concerns, Mr. Gendron assured the Council that staff understands the Council's direction with regards to the utilization of a comprehensive sign plan and intends to convey its wishes to the development community. He added that especially with regard to the first requests for freeway landmark monuments, staff would utilize a comprehensive sign plan that will ultimately be brought to the Council for its consideration.

It was moved by Councilmember Thom, seconded by Councilmember Whalen, that Resolution No. 8245, with the two amendments as previously outlined by Mr. Udall, be adopted.

Upon tabulation of votes, it showed:

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

Mayor Hawker declared the motion carried by majority vote and Resolution No. 8245 adopted.

- *e. Granting a Power Distribution Easement to Salt River Project at Mesa Fire Station #206, 815 North Lindsay Road – Resolution No. 8229.

This easement is necessary for the relocation and continuation of electrical services at this location.

- *f. Granting a Power Distribution Easement to Salt River Project at Falcon Field at 4802 East Mckellips Road – Resolution No. 8230.

This easement is necessary for new electrical service at this location.
- *g. Granting a Power Distribution Easement to Salt River Project at Desert Well #7, 2357 South Hawes Road – Resolution No. 8231.

This easement is necessary to upgrade the electrical service at this location.
- *h. Granting a Power Distribution Easement to Salt River Project at the MARC Center at 924 North Country Club Drive – Resolution No. 8232.

This easement is necessary for the relocation of the electrical service due to new construction.
- *i. Modifying citywide public and commercial records request fees and charges – Resolution No. 8233.
- *j. Modifying rents and charges for the Housing Services Division – Resolution No. 8234.
- *k. Approving and authorizing the City Manager to execute a Development Agreement between San Angelin Apartments, L.P. and the City of Mesa for the development of property located at Sunnyvale and Baseline Road – Resolution No. 8235.
- *l. Authorizing the City Manager to execute an agreement between the City of Mesa and the Arizona Automobile Theft Authority to pay for equipment and overtime for auto theft prevention – Resolution No. 8236.
- *m. Approving and authorizing the City Manager to execute a precedent agreement between Silver Canyon Pipeline LLC and the City of Mesa to provide Mesa with an alternative pipeline supplier and provide access to the Rocky Mountain Natural Gas Supply Basin – Resolution No. 8237.
- *n. Approving and authorizing the City Manager to execute an Intergovernmental Agreement among the cities of Chandler, Scottsdale and Mesa and the towns of Gilbert and Paradise Valley for the purpose of joint legal representation relating to tax litigation – Resolution No. 8238.
- *o. Ordering the sale of \$9,585,000.00 principal amount of City of Mesa Street and Highway Revenue Bonds, Series 2004; and authorizing the reimbursement from bond proceeds of certain advances on construction projects – Resolution No. 8239.
- *p. Ordering the sale of \$64,625,000.00 principal amount of City of Mesa Utility Systems Revenue Bonds, Series 2004; and authorizing the reimbursement from bond proceeds of certain advances on utility construction projects – Resolution No. 8240.
- *q. Modifying fees and charges for the Parks and Recreation Division – Resolution No. 8241.

- *r. Modifying fees and charges for the Mesa Centennial Center Division – Resolution No. 8242.
- *s. Modifying fees and charges for the Library Division – Resolution No. 8243.
- *t. Deleted from the agenda.

7.1. Consider adopting a Notice of Intention to increase rates or rate components, fees and/or service charges for electric, irrigation water, natural gas, solid waste, wastewater and water, and establish June 21, 2004 as the date for the public hearing.

It was moved by Vice Mayor Kavanaugh, seconded by Councilmember Walters, that a Notice of Intention to increase rates or rate components, fees and/or service charges for electric, irrigation water, natural gas, solid waste, wastewater and water be adopted, and that June 21, 2004 be set as the date for public hearing.

Councilmember Thom invited any citizens concerned with the proposed rate increases to attend the June 21st public hearing and express their views to the Council.

Carried unanimously.

8. Consider the following ordinances:

- *a. Adjusting the Transient Occupancy Tax (Bed Tax) from 2.5% to 3.0% of the gross revenue, effective July 1, 2004 as approved by voters in the March 2004 Primary Election – Ordinance No. 4192.
- b. Pertaining to the sign regulations of the zoning ordinance of the Mesa City Code; amending Sections 11-19-5 and 11-19-8 creating a definition of and establishing provisions regarding the regulation of Freeway Landmark Monuments; and providing penalties for the violation thereof – Ordinance No. 4193.

It was moved by Councilmember Whalen that Ordinance No. 4193 be adopted.

Mayor Hawker advised that Lois Yates, Executive Director of Falcon Field Area Alliance, submitted a blue speaker card, but was no longer present in the audience to address the Council.

Councilmember Thom seconded the motion.

In response to a question from Councilmember Jones, Mr. Gendron clarified that the ordinance would establish the Council Use Permit process regarding freeway landmark monuments and that the Resolution previously adopted in agenda item 7d would define the operational and locational parameters of the monuments.

Carried unanimously.

- *c. **Z03-64 (District 3)** Northwest corner of Sycamore and Main Street (14.46 acres). Rezone from C-2 and C-3 to C-2 BIZ and C-3 BIZ and Site Plan Modification. This request is for the development of a bus/light rail transfer lot and park-and-ride facility to serve the Mesa light rail station and to reserve a site for future Transit Oriented Development (TOD). Judith A. Klein, Rising Sun, LLC., owner; Jeff Martin, City of Mesa,

applicant. **(CONTINUED FROM THE MAY 3, 2004 CITY COUNCIL MEETING. THE APPLICANT HAS REQUESTED THIS CASE BE CONTINUED TO THE JUNE 7, 2004 CITY COUNCIL MEETING.)**

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

1. Compliance with the basic development as described in the project narrative and as shown on the site plan and elevations submitted.
 2. All street improvements and perimeter landscaping to be installed in the first phase of construction.
 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. 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. Compliance with all requirements of the Design Review Board.
 7. Review and approval by the Planning and Zoning Board, Design Review Board and City Council of future development plans.
 8. Transit oriented development is encouraged for the 3.67-acre lot.
- d. **Z04-01 (District 6)** Northeast and northwest corners of Ellsworth Road and Germann Road (320 ac.). Rezone from R1-43 to M-1 and M-1 (conceptual C-2). This request is to bring zoning into conformance with Mesa 2025 General Plan. Various owners; Wayne Balmer, Project Manager WGAA, applicant. **(3/4 VOTE REQUIRED TO APPROVE THIS CASE.) (2 ORDINANCES – OPTION A AND OPTION B) (CONTINUED FROM THE MAY 3, 2004 COUNCIL MEETING.)**

P&Z Recommendation: Approval with conditions (Vote: Passed 5-0-2, Finter and Adams absent)

OPTION A

1. Compliance with all requirements of the Mesa Zoning Ordinance and land development regulations. This includes (but is not limited to) the following:
 - a. Provision of all required infrastructure including, but not limited to, street, water, sewer, fire protection and other improvements at the time of development.
 - b. Recordation of avigation easements, overflight easements and overflight disclosure statements with all subdivision plats approved and/or building permits issued.
 - c. Recordation of Covenants, Conditions and Restrictions (CC&Rs) to address land use, property maintenance, landscaping, etc., with any new subdivision plats approved.
2. Review and approval by the Planning and Zoning Board, Design Review Board and City Council of the development plans for all uses proposed for the property. Site Plan Review documentation may include, but is not limited to, presentation

of a citizen participation plan, exhibits detailing the proposed land use(s), site plans, design guidelines, landscape plans and building elevations.

Note: Items 1 and 2 apply to both the properties on the east and west sides of Ellsworth Road. Conditions 3 through 10 apply to the 160 acres on the west side of Ellsworth Road only.

3. No vehicular access to South 88th Street between Germann Road and East Woodland Avenue (adjacent to the Queen's Park subdivision) from the property to either the north or east.
4. Completion of the pavement of the east half of South 88th Street between Germann Road and East Woodland Avenue (adjacent to the Queen's Park subdivision) in conjunction with the development of the property to the east. In addition to the right-of-way needed to complete South 88th Street, a fifteen-foot (15') Public Utilities and Facilities Easement (PUFE) to enhance the area to be landscaped will also be required.
5. Installation of an eight-foot decorative masonry wall on the east side of the future PUFE on the east side of South 88th Street between Germann Road and East Woodland Avenue (adjacent to the Queen's Park subdivision) as part of the development of the property to the east. Landscaping shall be installed in the South 88th Street right-of-way and the Public Utilities and Facilities Easement, east of the completed street and west of the wall, per City Code at the time of development. The City of Mesa will maintain the landscaping in both the dedicated right-of-way and Public Utilities and Facilities Easement, once completed. The designs for both the decorative masonry wall and landscaping in the right-of-way and PUFE will be reviewed and approved by the Design Review Board prior to construction.
6. All buildings constructed within 200 feet of the east side of South 88th Street between Germann Road and East Woodland Avenue (adjacent to Queen's Park subdivision) to be limited to 30 feet in height. In addition, a 40-foot building setback would be required for all future buildings from the new property line on South 88th Street.
7. No open storage of construction or other materials, heavy equipment or commercial vehicles (other than standard passenger vehicles) will be allowed on the western 200 feet of those properties on the east side of South 88th Street between Germann Road and East Woodland Avenue (adjacent to the Queen's Park subdivision) nor on those properties on the north side of Germann Road to a depth of 200 feet between South 88th Street and Ellsworth Road.
8. Buildings constructed within 200 feet of Germann Road between South 88th Street setback would be required for all future buildings from the new property line on Germann Road.
9. Site Plan Review requests, rezoning requests and/or subdivision plats located west of Ellsworth Road should, if possible, be at least 10 acres in size, pursuant to Resolution No. 7838.
10. When development is proposed on the area identified in conditions 6, 7 and 8 above, the applicants will be asked to consider the proximity of the homes to the west and the south in the project design process in order to identify and incorporate proposed compatibility measures. Examples of compatibility measures might include: locating future storm water retention basins on the west

and south sides of the property, no bay doors facing west adjacent to 88th Street and south adjacent to Germann Road, placing loading docks on the east or north sides rather than the west or south sides of the buildings, locating compressors and air conditioning units in noise attenuated surroundings, etc.

OPTION B (CHANGES ARE IN BOLD)

1. Compliance with all requirements of the Mesa Zoning Ordinance and land development regulations. This includes (but is not limited to) the following:
 - a. Provision of all required infrastructure including, but not limited to, street, water, sewer, fire protection and other improvements at the time of development.
 - b. Recordation of avigation easements, overflight easements and overflight disclosure statements with all subdivision plats approved and/or building permits issued.
 - c. Recordation of Covenants, Conditions and Restrictions (CC&Rs) to address land use, property maintenance, landscaping, etc., with any new subdivision plats approved.
2. Review and approval by the Planning and Zoning Board, Design Review Board and City Council of the development plans for all uses proposed for the property. Site Plan Review documentation may include, but is not limited to, presentation of a citizen participation plan, exhibits detailing the proposed land use(s), site plans, design guidelines, landscape plans, and building elevations.

Note: Items 1 and 2 apply to both the properties on the east and west sides of Ellsworth Road. Conditions 3 through 10 apply to the 160 acres on the west side of Ellsworth Road only.

3. No vehicular access to South 88th Street between Germann Road and East Woodland Avenue (adjacent to the Queen's Park subdivision) from the property to either the north or east.
4. Completion of the pavement of the east half of South 88th Street between Germann Road and East Woodland Avenue (adjacent to the Queens Park subdivision) in conjunction with of the development of the property to the east. In addition to the right-of-way needed to complete South 88th Street, a fifteen-foot (15') **privately owned tract**, to enhance the area to be landscaped, will also be required.
5. Installation of an eight-foot decorative masonry wall on the east side of the future **privately owned tract**, on the east side of South 88th Street between Germann Road and East Woodland Avenue (adjacent to the Queen's Park subdivision) as part of the development of the property to the east. Landscaping shall be installed in the South 88th Street right-of-way and the **privately owned tract**, east of the completed street and west of the wall, per City Code at the time of development. **The property owner to the east** will maintain the landscaping in both the dedicated right-of-way and **privately owned tract**, once completed. The designs for both the decorative masonry wall and landscaping in the right-of-way and **the tract** will be reviewed and approved by the Design Review Board prior to construction.

6. All buildings constructed within 200 feet of the east side of South 88th Street between Germann Road and East Woodland Avenue (adjacent to Queen's Park subdivision) to be limited to 30 feet in height. In addition, a 40-foot building setback would be required for all future buildings from the new property line on South 88th Street.
7. No open storage of construction or other materials, heavy equipment or commercial vehicles (other than standard passenger vehicles) will be allowed on the western 200 feet of those properties on the east side of South 88th Street between Germann Road and East Woodland Avenue (adjacent to the Queen's Park subdivision) nor on those properties on the north side of Germann Road to a depth of 200 feet between South 88th Street and Ellsworth Road.
8. Buildings constructed within 200 feet of Germann Road between South 88th Street and Ellsworth Road to be limited to 30 feet in height. In addition, a 30-foot building setback would be required for all future buildings from the new property line on Germann Road.
9. Site Plan Review requests, rezoning requests and/or subdivision plats located west of Ellsworth Road should, if possible, be at least 10 acres in size, pursuant to Resolution No. 7838.
10. When development is proposed on the area identified in conditions 6, 7 and 8 above, the applicants will be asked to consider the proximity of the homes to the west and the south in the project design process in order to identify and incorporate proposed compatibility measures. Examples of compatibility measures might include: locating future storm water retention basins on the west and south sides of the property, no bay doors facing west adjacent to 88th Street and south adjacent to Germann Road, placing loading docks on the east or north sides rather than the west or south sides of the buildings, locating compressors and air conditioning units in noise attenuated surroundings, etc.

It was moved by Councilmember Walters, seconded by Councilmember Griswold, that Zoning Case Z04-01 be continued to the June 7, 2004 Regular Council Meeting.

Carried unanimously.

9. Consider the following subdivision plats:

- *a. "SUPERSTITION SPRINGS SQUARE II" – (District 6) – 5400 block of East Southern Avenue (north side) located north and east of Southern Avenue and Higley Road. 2 O-S PAD office condominium buildings (2.08 ac) Southeast Valley Condo Development, LLC, David Rothberg, President, owner; Z & H Engineering, Inc., engineer.
- *b. "SUNLAND SPRINGS VILLAGE GOLF CONDOMINIUM UNIT TWO" – (District 6) – 11200 block of East Kilarea Avenue (north and south side) located south and west of Baseline Road and Meridian Drive. 92 R-2 PAD DMP condominium units (11.84 ac) Transnation Title Insurance Company, an Arizona Corporation, trustee; Clouse Engineering, Inc., engineer.
- *c. "SUNLAND SPRINGS VILLAGE UNIT FOUR" – (District 6) – 11100 block of East Medina Avenue (south side) located north and east of Guadalupe Road and Signal Butte Road. 102 R1-6 DMP single residence lots (24.02 ac) Transnation Title Insurance Company, an Arizona Corporation, trustee; Clouse Engineering, Inc., engineer.

- *d. "THE RANCH AT CORALBELL" – (District 2) – 400 block of South 32nd Street (west side) located south and east of Broadway Road and Lindsay Road. 7 R1-9 single residence lots (3.89 ac) Emerald Peak Enterprises, an Arizona Corporation, owner; Clouse Engineering, Inc., engineer.
- *e. "GRAYSTONE ESTATES" – (District 5) – 3600 block of East Brown Road (north side) located north and east of Brown Road and Val Vista Drive. 8 R1-35 PAD single residence lots (8.52 ac) Ralph R. Horlacher, owner; HEC Engineering, L.L.C., engineer.

10. Items from citizens present.

There were no items from citizens present.

11. Adjournment.

Without objection, the Regular Council Meeting adjourned at 7:20 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 17th day of May 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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