

# COUNCIL MINUTES

November 6, 2003

The City Council of the City of Mesa met in a Study Session in the lower level meeting room of the Council Chambers, 57 East 1st Street, on November 6, 2003 at 7:30 a.m.

## COUNCIL PRESENT

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

## COUNCIL ABSENT

None

## OFFICERS PRESENT

Mike Hutchinson  
Barbara Jones  
Joe Padilla

(Mayor Hawker excused Vice Mayor Kavanaugh until his arrival at 7:32 a.m.)

### 1. Meeting with the Design Review Advisory Board.

#### a. Welcome/Introductions.

Mayor Hawker welcomed the members of the Design Review Advisory Board and asked that they introduce themselves.

Chairman Carrie Allen stated that although she had a legal background, her service on the Board was in the capacity of a citizen representative. She requested that the Board Members indicate their particular area of expertise: Robert Burgheimer (architect), Pete Berzins (citizen representative), Randy Carter (architect), and Vince DiBella (architect). Chairman Allen noted that Vice Chairman John Poulson and Board Member Jillian Hagen would arrive shortly.

#### b. Overview of Design Review Board responsibilities.

Mayor Hawker commented that a joint meeting of the Council and the Design Review Advisory Board has not occurred for some time, and that this was an opportunity for the Board to provide an update on their activities.

#### 1. History regarding establishment of Design Review Board.

City Manager Mike Hutchinson stated that he would provide some historical perspective regarding the Board. He recalled that the Board was created as a result of a citizens' initiative on the 1986 Primary Election ballot that was passed by an overwhelming majority.

2. Current scope of Design Review Board responsibilities.

Mr. Hutchinson noted that the responsibilities of the Board were determined after long and heated Council discussions, and added that the responsibilities have been amended by ordinance a couple of times in the intervening years. He noted that a copy of the current responsibilities of the Design Review Advisory Board has been provided to the Council.

3. Appeal process.

Acting Planning Director Dorothy Chimel stated that a history of the total number of cases heard by the Board, as well as the number of appeals, was included in the packets. She advised that the Planning Division handles the appeal process for Design Review Board decisions. Ms. Chimel noted that an applicant has 30 days from the date of a Design Review Board decision to request an appeal by sending a letter to the Planning Division and upon receipt of such a request, the Planning Division places the item on the next possible agenda for consideration by the Council. She reported that there have been six appeals to the Council during the existence of the Board. Ms. Chimel added that the composition of the Board includes four design professionals and regular meetings are held on the first Wednesday of each month but, as required, special meetings may be held to resolve outstanding issues. She advised that Chapter 18 of the *City Code* outlines details of the Design Review Board composition, meetings and duties, a copy of which was provided in the packets.

Mayor Hawker noted that the remaining Board Members were now present and asked them to introduce themselves: Vice Chairman John Poulson (real estate developer) and Board Member Jillian Hagen (landscape architect).

In response to Mayor Hawker's comment relative to the fact that the Design Review Board minutes reflect that the responsibility of working with applicants is often delegated to staff, Chairman Allen stated that was correct. She added that delegation of certain activities enabled an applicant to complete the process in a timely manner rather than waiting until the next Board meeting. Chairman Allen emphasized that staff maintains good communication with the Board regarding their progress to ensure that the Board approves of their actions.

4. Issues relating to color of buildings and design features.

Ms. Chimel outlined the activities of the Planning Division staff when making the initial contact with the applicant. She noted that many resources are available within the Planning Division to assist an applicant prior to submitting construction documents, including: planners, the Preliminary Plan Review Team (PPRT), Plans Review staff and Building Review staff.

Discussion ensued relative to the fact that staff reviews plans for compliance with the zoning ordinance without making subjective judgments based on their personal preferences; that staff makes an effort to resolve problems before a project goes before the Design Review Board; that a decision by the Design Review Board regarding color could be subjective, but factors that are considered include design trends, color harmony within the neighborhood, and public safety; that issues regarding the repainting of buildings are usually handled by staff and seldom return to the Design Review Board for consideration; and that repainting of a building is addressed by staff or the Board when the color is clearly out of the range that was originally approved, when the appearance of a structure has changed in such a way as to make the building an actual sign, or when a citizen has filed a complaint.

Vice Mayor Kavanaugh noted that an increasing area of concern was the issue of corporate designs, colors and signage. He asked the Board for their comments regarding these issues and information on how these types of cases are reviewed.

Chairman Allen noted that the Board Members understood the importance of corporate identification for the consumer through the use of color and prototypes.

Further discussion ensued relative to the fact that the consensus of the Board is to discourage prototype buildings within Mesa; that corporate applicants are encouraged to individualize certain design elements when several locations are being proposed; that Qwik Trip was a good example of a corporation that cooperated with the Board and limited the number of similar prototypes while maintaining a corporate identity and constructing an attractive building; that many Board Members travel extensively throughout the country and have the opportunity to view developments in other communities; that the Board emphasizes that corporate reputation is as important as corporate identity; and that Mesa was making an effort to maintain high development standards in order to compete on the same level as Scottsdale and Tempe.

Councilmember Walters expressed the opinion that the quality of new buildings in Mesa has improved over time, but said that the West Valley appeared to have better designs submitted by the same corporations. She advised that some applicants have indicated to her that comments from the Design Review Board often seem ambiguous, such as, "a design should be more fun." Councilmember Walters suggested that comments made to applicants should more clearly express the expectations of the Board.

Additional discussion ensued relative to the fact that a common goal of the Board was to determine ways to enable approval of a new project; that the Board attempts to assist applicants in creating an interesting building while maintaining a corporate identity; that problems in communication often occur when the design professional does not accompany the applicant to the meeting; that the Board's suggestions are perceived by applicants as an effort to increase costs; that the Board often makes suggestions relative to utilizing color as an inexpensive method of adding interest to a project; and that applicants often want the Board to provide design services.

Councilmember Griswold noted the value that a Design Review Committee provides to the community. He recalled that at a meeting of the Board that he attended, an

applicant was requested to make several changes. Councilmember Griswold said that when he later asked the applicant if the changes resulted in extra costs, the applicant advised that not only were the costs minimal, but the end result was a much better building.

c. Possible changes to Design Review Board responsibilities.

Discussion ensued relative to the fact that the Downtown Development Committee is responsible for design review of the Town Center; that the downtown area and the new Mesa Art Center will be utilizing a spectrum of colors and designs not found in other parts of the community; and that consideration be given to assigning to the Design Review Board the responsibility for the Town Center to ensure design consistency throughout the City.

Board Member DiBella acknowledged that he has also served on the Downtown Development Committee and stated that he did not agree with earlier comments relative to the colors and designs utilized in downtown Mesa. He noted that the projects considered at the last Design Review Board meeting were not exciting in terms of architecture. Board Member DiBella expressed the opinion that applicants design projects to pass the review process rather than designing unique and interesting projects. He stated that downtown Mesa was a very diverse, unique environment that requires special attention. Board Member DiBella expressed confidence that the Board could perform the added design review function, but noted that the aesthetic design issues for downtown Mesa should be different than those for other parts of the community.

Additional discussion ensued relative to the fact that when the Board reviews projects, consideration is given to neighborhood characteristics; that an infill policy could provide opportunities to alleviate neighborhood blight; that an increase in residential infill has resulted in consideration being given to the scale of projects as well as issues such as shade, shadow and views; that an explanation is provided to applicants with projects in the areas of recreational vehicle (RV) and mobile home parks that the standards being imposed reflect what is planned for the future rather than what exists today; that an objective of the Board is to improve the appearance of the City; that public participation at Planning and Zoning (P&Z) meetings could carry over to a Design Review Advisory Board meeting where citizens would again want to express their opposition to a project; that on occasion the Board may identify an issue that was missed by P&Z and work with the applicant to resolve the problem; that while Planning and Zoning may be concerned with an overall concept, the expertise of the Design Review Advisory Board is in checking the details; that the Design Review Advisory Board considers traffic flow within a development, but the Board has no responsibility regarding streets or traffic islands; that the problem with access to the In-N-Out Burger on Inverness will be resolved when the other businesses planned for the area are completed; and that an area of concern to the Board has been the fact that all pharmacies tend to use the same footprint, but diversity in the design elements continues to be encouraged.

1. Review of churches.

In response to a question from Mayor Hawker, Chairman Allen advised that she could not speak for the entire Board, but expressed the opinion that most Board Members would support the review of churches. She added that most of the complaints that she received were related to the color or the height of the churches. Chairman Allen noted that many communities successfully include churches as part of their design review process, and she expressed the opinion that including churches for review would improve the aesthetic elements in the community.

Discussion ensued relative to the fact that including churches for design review might create concern regarding the possible review of religious symbols; that some newer churches were extremely large with huge auditoriums rather than community churches; that the scale of a church should be compatible with the residential neighborhood; and that consideration could be given to the amount of traffic and how the traffic flow would impact the neighborhood.

In response to a question from Mayor Hawker, Ms. Chimel stated that schools and churches are defined as allowable uses in all zoning districts. She added that the present standards applied to churches are the following commercial standards: setbacks, landscape palette, and height. Ms. Chimel noted that no formal review is conducted, but staff encourages dialogue with regard to design standards for a proposed church. She advised that the 30-foot height restriction is typical in residential areas, but church steeples would be an exception and no variance is required to construct a steeple in excess of 30 feet. Ms. Chimel noted that some type of review of churches is mandated in Phoenix, Scottsdale, Chandler, Gilbert and Tempe.

Further discussion ensued relative to the fact that design review could benefit smaller churches by providing design improvements that would not require additional costs, but could provide a better building for the church, the neighborhood and the community; that design review could have prevented an existing situation where a 30-foot high church wall is within 25 feet of a neighborhood fence line; that the City has a responsibility to all citizens to ensure that buildings are compatible with the neighborhood; that most churches want to be a good neighbor and would appreciate design review input; and that some concern may exist that design review of churches could violate the separation of church and state.

Vice Mayor Kavanaugh expressed support for the Design Review Board's recommendation to include churches in the design review process. He noted that freedom to worship has not been abridged in the many communities that require this type of review. Vice Mayor Kavanaugh added that larger churches could have an impact on the community similar to that of big box stores, and including churches in the design review process provides a public forum in which issues could be addressed.

Councilmember Griswold noted that the two entities not subject to zoning requirements, churches and schools, have both resulted in citizen complaints. He recalled that in the past a school was built in the middle of an industrial park and as a result, no further industrial development occurred due to concern by developers for the safety of children and liability on the part of businesses. Councilmember Griswold stated that citizens express concern relative to the fact that the City has no control regarding churches and schools in their neighborhoods. He clarified that his concern was in regard to zoning for

schools and churches rather than design review and stated the opinion that changing the zoning requirements would likely solve the design review problems.

Councilmember Walters stated that she has opposed including churches in the City's design review process, but added that an excellent case is being made for doing so at this time. She expressed the opinion that the current board would handle cases appropriately, but questioned how future boards might interpret their responsibilities. Councilmember Walters added that she supports the public forum aspect of the proposal, and noted the value of public input relative to the design of the new fire station within the historic neighborhood.

Councilmember Jones stated he was leery of the "unintended consequences" regarding this issue. He added that Councilmember Griswold's suggestion regarding Planning and Zoning might be an option to consider, but he expressed concern relative to placing restrictions on small congregations.

Councilmember Thom noted that builders who construct churches in Mesa have complained to her about the amount of time required before construction can begin. She expressed concern that adding an additional step to the process would further lengthen the construction time and therefore, she was not in favor of including churches in the design review process.

In response to a series of questions from Councilmember Whalen, Ms. Chimel advised that Charter Schools are required to have a Council Use Permit if the location is in a commercial district; that a building in the commercial district at Alma School and Broadway was redesigned by the Mesa Public School District, but no review was required due to the fact that the use was not for a Charter School; that State law exempts schools from local zoning requirements; and that the City of Mesa maintains a good relationship with the Mesa School District, but the standards of the City cannot be imposed on the school district.

Councilmember Whalen stated that he could not support imposing design review on churches if schools were excluded from the process. He expressed concern relative to the impact on small churches in strip malls that are just getting started. Councilmember Whalen indicated that he would be in favor of the Council receiving additional information and conducting further study on this subject.

In response to a statement by Vice Mayor Kavanaugh, Deputy City Attorney Joe Padilla concurred that the Arizona Supreme Court has already determined that churches are not subject to regulation or zoning by the City. Mr. Padilla also agreed with Vice Mayor Kavanaugh's comment that consideration of design review issues relative to churches was permissible under the law.

Ms. Chimel stated that several different approaches could be considered, one of which was to develop guidelines for those interested in building a church. She noted that the guidelines could be structured based on size and address issues such as the intensity of the building on the site and methods of mitigating the impact of land use with design. Ms. Chimel added that Chapter 14 of Title 11 (Zoning) of the *City Code* consists of a set of guidelines.

Mayor Hawker stated that the subject requires additional study by the Council, but he noted that comments made by the Councilmembers indicate that some type of change could be implemented in the future.

Chairman Allen stated that other communities are successfully performing design review for churches, but that did not necessarily mean that Mesa had to follow suit. She added that the process in other communities could be researched to determine if Mesa should adopt some of the same procedures.

Discussion ensued relative to the fact that a long period of time is required for the approval process before project construction begins; that the development approval process in Mesa is slower due to the volume of business being processed; and that the Planning and Zoning and Design Review issues are minor compared to the time required to obtain the building permit.

## 2. Public Notification of Design Review Board meetings.

Mr. Hutchinson advised that the subject of public notification was also on the agenda of the General Development Committee Meeting immediately following the Study Session. He stated that some citizens would like to provide input regarding the design review process, but he added that citizen input would also slow the approval process.

Mayor Hawker stated that the process would be slower if there was a 30-day notification timeframe, but he noted that the information in the Council packet does not indicate a minimum timeframe in which the notification would have to occur.

Discussion ensued relative to the fact that public participation could lengthen the design review process timeline; that the public does not understand the responsibilities of the Design Review Board and would want to address issues outside the scope of the Board; that public participation could benefit both the applicants and the neighbors as well as provide a sense of community; and that the Chairman was responsible for controlling the speakers with regard to subject matter and time limits.

Ms. Chimel reported that staff places as much information as possible regarding cases, meeting dates and agendas on-line.

Mayor Hawker noted that the General Development Committee agenda addresses the issue of public notification, and the subject would then return to the Council for consideration.

## 3. Other issues.

Board Member Carter advised that the Design Review Board does not consider multi-family developments, and he cited examples of existing projects or projects under construction that do not fit into the neighborhood and surrounding areas. He noted that design review input could have provided improvements to the projects that would have resulted in a positive impact on the neighborhoods and the community.

Ms. Chimel stated that the request before the Council was to consider adding multiple residential projects for review by the Design Review Board.

Mayor Hawker stated that the issue of including multiple residential projects under the scope of the Design Review Board should be included on a future Study Session agenda, and he noted the concurrence of other Councilmembers.

Discussion ensued relative to the fact that large subdivisions in Mesa are not subject to design review; that developments in Mesa are known for their "sameness" in that the same house is constructed with similar design elements and painted in identical colors; that the City developed residential guidelines for these types of subdivisions; and that the subject could be discussed at a future Study Session.

Board Member Burgheimer noted that the Williams Gateway area has the potential for very large developments. He suggested that an opportunity existed for the City to view this area as a large global complex, and advised that this approach has been successful in other areas.

Further discussion ensued regarding the fact that the residential guidelines could be modified; that unique neighborhoods are sustainable and the types of neighborhoods that would be targeted for revitalization in the future; and that representative homebuilders should be invited to address the Council to provide their perspective.

Mayor Hawker expressed appreciation on behalf of the Council to the members of the Design Review Board for the excellent discussion and for their service to the City of Mesa.

Chairman Allen and the Board Members commended the efforts of City staff for their excellent work in support of the Board.

Mayor Hawker declared a five-minute recess and reconvened the Study Session with all members present at 9:25 a.m.

2. Discuss and consider the results of the "Construction Manager at Risk" selection process and approve the Design Phase Services contract.

City Engineer Keith Nath addressed the Council and advised that staff was present to provide an update on the progress of the "Construction Manager at Risk" (CM at Risk) program and to obtain Council approval for the selected Construction Manager at Risk as well as the first phase of the contract for design services.

Assistant City Engineer Peter Knudson provided a brief history regarding the South Water Reclamation Plant and noted that in 1996 the City of Mesa and the Towns of Gilbert and Queen Creek agreed to build a regional water reclamation plant as a joint effort. He added that in May of 2003, the Council approved the use of the CM at Risk method rather than the traditional design/build/bid method utilized for all earlier capital projects.

Mr. Knudson noted that selection of the Construction Manager at Risk is based on qualifications and occurs early in the process to enable the contractor to participate in the design process. He

advised that using the CM at Risk approach provided the following advantages: the contractor is able to participate in the design process from the beginning; the contractor can provide good input relative to how the project should be built; plans will be reviewed for constructability, economical design and value to the City; the design and construction process can be streamlined, which typically results in an early completion date; the selected contractor has the proven qualifications and resources to complete the project; and the City benefits from utilizing a team concept rather than the low bid, adversarial environment.

Mr. Knudson advised that the selection process for the Construction Manager at Risk is defined in State Statutes. He advised that the first step was an advertisement requesting statements of qualification, and after a review of the responses, a short list of firms was compiled. Mr. Knudson stated that an interview and selection panel was chosen that included two representatives from the City of Mesa (one from Engineering and the other from City Utilities), a representative from each of the two partners, Gilbert and Queen Creek, and a local contractor's representative. He advised that the panel narrowed the number of firms to three and conducted interviews that resulted in the selection of McCarthy Sundt as the most qualified CM at Risk for the project.

Mr. Knudson reported that the project is presently at 30% design and the goal is to have the CM at Risk assist in reviewing all the construction documents at 30%, 60% and 90% design with the final review culminating in the CM at Risk providing his guaranteed, maximum price for the various phases of the project as well as the overall project. He stated that a presentation would then be made to the Council for project approval prior to the start of construction.

Mr. Knudson stated that some of the duties of the CM at Risk include responsibility for: scheduling the project during the design phase; tracking all State, County and local permits; producing a detailed construction schedule, which would be a step-by-step plan as to how the project is to be constructed; reviewing design documents at each phase to ensure constructability; evaluating alternatives to ensure that the designs are economical and practical; and preparing a cost model or detailed estimate along with the estimated costs of alternatives, revisions and changes that are a normal part of the design process. He advised that these activities would culminate in the CM at Risk establishing the guaranteed maximum price that is submitted to the City and then presented to Council for the contract award.

Mr. Knudson noted that a key part of the process requires the CM at Risk to pre-qualify all sub-contractors and suppliers to make sure they are qualified to perform the level of work and that they have the financial ability required to participate in a major project. He added that after obtaining bids from each of the pre-qualified sub-contractors and suppliers, the CM at Risk calculates the guaranteed maximum price for the project. Mr. Knudson reported that the initial Design Phase Contract totaled approximately \$1.4 million with Mesa's share estimated at \$582,000.

Mr. Knudson stated that the CM at Risk approach enables the project to be divided into four phases and staff anticipates presenting four separate construction packets to Council for approval in June, October and November of 2004 and in January 2005. He noted that the target completion date for the liquids portion of the treatment plant is July 2006 with final completion scheduled for December 2006.

In response to a series of questions from Mayor Hawker, Mr. Nath responded that the cost for this expansion project is approximately \$120 million with Mesa contributing \$62 million; that the 1.06% referred to the percentage of the design phase costs for the services of the CM at Risk; that the total cost of the project including the design engineer was \$132 million; that plans for future conversion were considered when the plant was first built and therefore the present holding tanks will be converted to primary clarifiers and the lift stations will become the head works for the plant; that the limiting components of the plant are the overall footprint and the size of the lines that feed the plant; that the planned ultimate capacity of the plant will be 52 million gallons a day; and that the present building phase will provide a daily capacity of 16 million liquid gallons and 24 million solid gallons.

Discussion ensued relative to whether the Council could legally approve the contract during a Study Session; that the contract is similar to a design or consultant contract that normally does not require Council approval; and that this contract is being presented to the Council due to the fact that staff is seeking Council concurrence on the selection of the CM at Risk as well as the initial design contract.

Deputy City Attorney Joe Padilla confirmed that the subject contract was a service contract that could be approved during the Study Session.

Additional discussion ensued relative to the fact that the experience of the team of McCarthy Sundt was the key factor in their selection as the CM at Risk; that McCarthy has worked on more water treatment plants than any other firm in the Valley; that Sundt has worked on a large number of water treatment plants both in the Valley and nationwide; that the team of McCarthy Sundt has performed more CM at Risk projects than any other contractor in the Valley; that the contractor has the ability to select the subcontractors who can assist in providing a quality product; that using a CM at Risk may not save a lot of money in the construction of a project, but the better product that results from the approach will save money over time; that the initial cost may be higher, but fewer change orders will likely result in a better product; that the experience of other cities indicates that some projects were 5% higher on the initial design, but at completion the costs were of a similar amount; and that Mesa's 41.8% share of the overall project was based on the total cost of \$132 million.

It was moved by Vice Mayor Kavanaugh, seconded by Councilmember Griswold, that the selection of the Construction Manager at Risk and the Design Phase Services contract be approved.

Carried unanimously.

3. Hear an update from the Historic Preservation Committee regarding an Endangered Properties List.

City Manager Mike Hutchinson introduced Victor Linoff, Chairman of the Historic Preservation Committee, and noted that an update on historic preservation is being provided due to the fact that this topic may attract media attention and public interest in the next few weeks.

Mr. Linoff introduced David Dean, Vice Chair of the committee, and noted that Committeemember Ron Peters was also present. Mr. Linoff reported that a project of the committee during the year was to identify six properties in the City that are endangered or at risk for loss in the short term. He added that a poster is being developed to publicize the

Endangered Properties List and to make the public aware that these properties are valuable City resources. Mr. Linoff advised that a press release and a small press conference are planned to announce the program to the community.

In response to a series of questions from Councilmember Walters, Mr. Linoff stated that all owners of properties on the list were notified and that the reactions were positive; that the committee's efforts are aimed at increasing public awareness; that the committee members are personally sharing the expense of printing the posters; that Committeemember Peters provided the poster design pro bono; that the program is based on a model from the National Trust; and that the Committee plans to update the list of historic properties at risk on an annual basis.

Discussion ensued relative to the fact that Buckhorn Baths could be added to the website that provides information on local sites suitable for movie set locations; that giving an historic property a modern use was an excellent way to enable preservation of the site; that the committee selected the sites to be included on the endangered list after discussing the subject with various members of the community; that the owners of the six properties were notified after the properties were selected and then the poster was created; that the committee would have reconsidered a listing if an owner strongly objected; that properties at risk are identified in other areas of the country without the owner's consent due to the fact that the exertion of public pressure often saves historic properties; that properties on the National Register require the consent of the owner; and that properties where owners have refused consent will be listed and documented as being eligible to be designated historic by the National Register.

Mayor Hawker thanked Mr. Linoff and the committee for the presentation.

4. Acknowledge receipt of minutes of boards and committees.

- a. Transportation Committee meeting held October 16, 2003.

It was moved by Vice Mayor Kavanaugh, seconded by Councilmember Walters, that receipt of the above-listed minutes be acknowledged.

Carried unanimously.

5. Hear reports on meetings and/or conferences attended.

The following members of the Council provided brief updates on various meetings/conferences they attended as follows:

Vice Mayor Kavanaugh	Benefit Performance by the Chinese/American Cultural Society of Arizona with proceeds going to the Mesa Arts Center
Councilmember Whalen	Meeting at the Civic Center with Mexican President Vicente Fox and other local officials
Mayor Hawker	Meeting of elected officials with Mexican President Vicente Fox and a Business Leaders lunch meeting with President Fox

Rex Griswold

Speaking at Commemorative Fly-In at Falcon Field on  
Friday, November 7th

6 Scheduling of meetings and general information.

City Manager Mike Hutchinson stated that the meeting schedule is as follows:

Thursday, November 13, 2003, 7:30 a.m. – Study Session

Monday, November 17, 2003, 3:00 p.m. – Fire Committee

Monday, November 17, 2003, TBA – Study Session

Monday, November 17, 2003, 5:45 p.m. – Regular Council Meeting

Thursday, November 20, 2003, 7:30 a.m. – Study Session

Thursday, November 20, 2003, Following the Study – Finance Committee

7. Prescheduled public opinion appearances.

None

8. Items from citizens present.

None

9. Adjournment.

Without objection, the Study Session adjourned at 10:03 a.m.

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KENO HAWKER, MAYOR

ATTEST:

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BARBARA JONES, CITY CLERK

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the Study Session of the City Council of Mesa, Arizona, held on the 6<sup>th</sup> day of November 2003. I further certify that the meeting was duly called and held and that a quorum was present.

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BARBARA JONES, CITY CLERK

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