

## COUNCIL MINUTES

July 12, 2004

The City Council of the City of Mesa met in a Regular Council Meeting in the Council Chambers, 57 East 1st Street, on July 12, 2004 at 5:45 p.m.

### COUNCIL PRESENT

Mayor Keno Hawker  
Rex Griswold  
Kyle Jones  
Tom Rawles  
Janie Thom  
Claudia Walters  
Mike Whalen

### COUNCIL ABSENT

None

### OFFICERS PRESENT

Mike Hutchinson  
Barbara Jones

Invocation by Reverend Jack D. O'Brien, Grace Fellowship Bible Church.

Pledge of Allegiance was led by Ryan Deihl, Scout Troop 855.

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 Mike Bonar representing the Arizona Chapter of the American Public Works Association recognizing the State Chapter's 50<sup>th</sup> year anniversary.

Mr. Bonar stated that the City of Mesa was well represented in the Arizona Chapter of the American Public Works Association (APWA), and he recognized Development Services Manager Jack Friedline, Assistant Development Services Manager Kari Kent, and City Engineer Keith Nath. He noted that City of Mesa staff members have served in Chapter leadership positions and are highly regarded by the organization's membership. Mr. Bonar presented Mayor Hawker with a plaque on behalf of the APWA.

### 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.

Item 7a was removed from the consent agenda at the request of a citizen.

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

Carried unanimously.

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

Minutes from the July 6, 2004 Council meetings.

3. Consider the following liquor license applications:

\*a. JONATHAN JOSEPH CARR, AGENT

Person Transfer Beer & Wine Bar License for Alessia's Ristorante Italiano, LLC, 5251 E. Brown Road, Suite 108. This is an existing business. This is a Person Transfer from John Maugeri, Individual, Gianni, 5251 E. Brown Road, Suite 108. This license will transfer to the applicant. District #5.

\*b. JASON BARCLAY MORRIS, AGENT

New Beer & Wine Store License for CVS Pharmacy #5303, 9152 E. Brown Road. This is new construction. No previous liquor licenses at this location. District #5.

\*c. JASON BARCLAY MORRIS, AGENT

New Beer & Wine Store License for CVS Pharmacy #5779, 360 N. Val Vista Drive. This is a new business. No previous liquor licenses at this location. District #2.

\*d. ROBERT JEFFERY BENTON, AGENT

New Beer & Wine Store License for Target #1386, 2151 N. Power Road. This is an existing business. No previous liquor licenses at this location. District #5.

4. Consider the following contracts:

\*a. One replacement copier for use in the Forensic Services Division (Crime Laboratory) as requested by the Police Department.

The Purchasing Division recommends authorizing purchase from State of Arizona contract with Minolta Corp. c/o Business Imaging Systems at \$11,829.38 including applicable sales tax. (100% Grant Funded)

\*b. Three-year supply contract for electric meters as requested by the Utilities Department.

The Purchasing Division recommends accepting the following bids:

Items 1 and 3 to Wesco Dist. at \$5,587.21; and

Items 2, 4, 5 and 6 to Zia Electrical Products at \$120,736.86. The combined award is \$126,324.07 based on estimated annual purchases.

- \*c. Three-year supply contract for ferrous chloride, a wastewater treatment chemical used by the Utilities Department.

The Purchasing Division recommends accepting the low bidder by Kemiron Companies, Inc. at \$255,024.00 based on estimated requirements.

To ensure continuity of supply a secondary contract is recommended to Univar, USA, Inc.

- \*d. Three-year supply contract for police patrol bicycles as requested by the Police Department.

The Purchasing Division recommends accepting the low bid by Landis Cyclery at \$37,089.38 based on estimated annual purchases.

- \*e. Ticketing and Customer Relationship Management System for the Mesa Arts Center as requested by the Information Services Division (ISD).

The Purchasing Division endorses the Evaluation Team's recommendation to accept the proposal from AudienceView for \$.25 per transaction for software licensing and \$84,500.00 for implementation services. The AudienceView proposal received a score of 818 points (81.8% of the maximum). The Purchasing Division further recommends approving:

\$30,874.30 for system software from the State of Arizona contracts with ASAP Software Express, Inc.; \$12,946.24 for network equipment from the State of Arizona contracts with Ames Business and Learning Environments, Inc.; \$48,359.62 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; and, \$18,118.02 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 \$199,298.18.

- \*f. Val Vista Effluent Pump Station, 3750 N. Val Vista Drive City of Mesa Project No. 02-86.1.

This project will construct a booster pump station that will take reclaimed water from the existing pipeline and boost its pressure to be used in ADOT's irrigation system.

Recommend award to low bidder, RDH Environmental in the amount of \$283,512.04 plus an additional \$28,351.20 (10% allowance for change orders) for a total award of \$311,863.24.

- g. 3-year contract for non-emergency towing as requested by Fleet Support Services and the Police Department. **This contract was continued from the July 6 City Council meeting.**

The Purchasing Division recommends award to the low bidder, Diversified Towing, Inc., dba Cactus Towing for \$54,600.00 based on estimated annual service requirements.

Deputy City Attorney Joe Padilla advised that the information requested by the Council is included in the Council's packet of materials. He explained that the following options are available to the Council:

- Award the contract as recommended by staff.
- Delay action and extend the current contract. If the Council elects this option, an opportunity exists to combine the contract with an emergency towing contract that is scheduled for future Council consideration.

Mr. Padilla further advised that the Council is unable to reinstate and consider an original bid document due to the fact that the original bid was cancelled.

In response to a question from Mayor Hawker, Mr. Padilla clarified that the Council could elect not to award the contract and provide direction to staff regarding future action, but the Council could not address another contract at this meeting due to the fact that the item has not been placed on the agenda.

David Udall, 30 West 1<sup>st</sup> Street, representing Cactus Towing, urged the Council to accept the recommendation of staff and award the contract to Cactus Towing.

Todd DeMasseo, 261 East 10<sup>th</sup> Street, owner of Cactus Towing, stated that his firm has provided the City of Mesa with quality emergency and non-emergency service for the past decade. He added that Cactus Towing has participated in many charitable efforts in the community, and that his firm also donates abandoned vehicles to the Police and Fire Departments and local schools for training purposes. Mr. DeMasseo requested that the Council award the non-emergency towing contract to Cactus Towing.

Chad Gammage, 458 West 3<sup>rd</sup> Avenue, representing Daryl Towing, stated that Mayor Hawker has not responded to e-mails and telephone calls regarding this subject, and he noted that representatives of Cactus Towing contributed funds to Mayor Hawker's re-election campaign.

Mayor Hawker stated that he did not receive any telephone calls, and that his office responds to all e-mails.

Mr. Gammage stated that no official protest of the original bid was documented or filed, and therefore the re-bid should be disregarded. He also expressed the following opinions: that the second bidding process was initiated at the request of Mr. Udall on behalf of Cactus Towing; that the Mayor should recuse himself from consideration of this contract; that City staff provided the Council with misleading information; and that the matter should be investigated by the Attorney General's Office.

Daryl Raab, 458 West 3<sup>rd</sup> Avenue, representing Daryl Towing, requested that the Mayor recuse himself from consideration of this item.

Mayor Hawker explained that candidates for office are required to file personal disclosure statements that list each campaign contribution. He advised that his legal disclosure obligations have been fulfilled, and that he would not recuse himself relative to consideration of this agenda item.

Mr. Raab also expressed the opinion that Materials Management Director Sharon Seekins acted inappropriately relative to the contract bidding process, and that Mr. Udall receives special treatment from City staff. He also alleged that Ms. Seekins stated that Mr. Padilla contacted her relative to the re-bid and "that he was saving this Council from embarrassment;" that Mr. "Udall's complaint about the storage issue went to Padilla and she had no say in the matter;" that the "re-bid was over storage costs;" and that as a result of the original bid's pricing being posted, a blended rate was established for the re-bid. Mr. Raab added that Ms. Seekins' letter of July 8<sup>th</sup> offered a "more persuasive" reason for the re-bid; that the Council was incorrectly advised that a "typo regarding storage" triggered a re-bid; that the Council was advised that the City has no data regarding storage, but that item is addressed in Section 8.2 of both the 2000 and 2004 contracts; and that Section 5.2.3 of the contract titled, "Scope of Services for Abandoned Vehicles," addresses data reporting requirements for abandoned vehicles. Mr. Raab advised that the City of Glendale is currently in litigation as a consequence of changing to a single contract, and that the City of Chandler has confronted a similar issue.

Marilynn Wennerstrom, 1112 North Center Street, stated that she was speaking as a concerned citizen. She asked if the Mesa Police Department reviewed and approved the specifications for both the original Request for Proposals (RFP) and the revised RFP.

The following individuals completed speaker/comment cards expressing opposition to the subject contract, but indicated that they did not wish to address the Council.

Frank Downs, 458 West 3<sup>rd</sup> Avenue, owner of FTC Towing Company  
Angie Begar, 458 West 3<sup>rd</sup> Avenue

Mayor Hawker requested that staff address the questions posed by Ms. Wennerstrom.

Materials Management Director Sharon Seekins advised that Fleet Support Services and the Mesa Police Department were consulted prior to the first and second bid requests, and that representatives of both departments were present at this meeting. Ms. Seekins added that as a City employee for over 30 years, she was distressed that a vendor would engage in personal attacks. She stated that she has never knowingly provided the Council with false or misleading information.

In response to a question from Councilmember Rawles, Ms. Seekins stated that although the 1999 bid request did not include a cost factor for the storage of abandoned vehicles, staff intended to include that element in the most recent bid request. She further stated that when staff became aware of the omission, concern was also expressed relative to the pricing in the bids that were received by the City. Ms. Seekins explained that she did not believe the City's best interests were served by a contract that included a higher towing fee for City vehicles than the towing fee for abandoned vehicles.

Councilmember Rawles noted that staff might have intended to replace Section 8.2 with wording related to abandoned vehicles or possibly add a section to address abandoned vehicles, but he expressed the opinion that the information presented to the Council does not provide the necessary documentation that would justify the re-bid process.

Ms. Seekins clarified that City-owned vehicles are not stored and, that staff intended to change the wording relative to the \$5 per day storage fee to indicate that the fee applied only to abandoned vehicles.

In response to a series of questions from Councilmember Griswold relative to the correct procedure and the authority to cancel and reissue bids, Mr. Padilla advised that Section 609 of the *City Charter* authorizes the Council to accept bids or quotes that are in the best interest of the City and the Council also has the authority to reject all bids. He explained that City departments are vested with the authority to prepare and issue Requests for Proposals, and in the event of an error in the bid or criteria, staff often seeks advice from the City Attorney's Office relative to canceling the RFP or the bid process, which is an action that is within the department's authority. Mr. Padilla stated that the Council has the authority to reject any bid recommended by staff, but historically staff has the responsibility to prepare and issue the proposals, evaluate the responses, and make a recommendation for Council consideration.

Ms. Seekins responded to Councilmember Griswold's inquiry regarding the savings realized as a result of the re-bid by advising that the savings were difficult to determine because the second bid was structured differently; and that the first RFP resulted in a low bid of \$58,000 and the second RFP resulted in a low bid of \$54,600, but the second bid included a quantified amount for estimated mileage. She explained that subsequent to the first bid, staff became aware of the fact that the City was frequently utilizing sources outside of the City for vehicle warranty service, and that quantifying the mileage would be beneficial to the City. Ms. Seekins advised that the first bid indicated a mileage rate increase of approximately 62.5 percent compared to the existing contract, and that the re-bid attempted to quantify that number.

Councilmember Griswold suggested that written procedures for canceling bids be instituted, and he encouraged the City Manager to prepare a policy for consideration by the Council in order to avoid future controversy.

Councilmember Jones stated that both the Council and staff have been placed in an awkward situation. He advised that his primary concern related to the reason or factor that "triggered" staff's action to cancel the first bid and issue a second RFP.

Ms. Seekins clarified that the wording regarding mileage was an evaluation factor in the second bid only. She acknowledged that during a previous meeting she might have erroneously conveyed the impression that storage costs were the key element. Ms. Seekins advised that staff discussed other areas of possible change in the event a decision was made to implement a second bidding process. She added that the blended rate concept was considered subsequent to being advised by Fleet Support Services that many vehicles are serviced outside of Mesa.

Councilmember Jones explained that insuring the legality of the process and securing a cost-effective contract on behalf of the City were of equal concerns to him. He noted that the efforts

of staff were probably well intended, but he suggested that consideration of the proposed changes might have been more appropriate in the next contract cycle.

Vice Mayor Walters stated that she respectfully disagreed with Councilmember Jones, and she expressed the opinion that discovering a flaw in the initial bid correctly triggered a re-bid process. She also indicated concurrence with Councilmember Griswold's suggestion that a written policy should be formulated regarding the re-bid process. Vice Mayor Walters expressed appreciation for staff's efforts to seek the best alternative for the City, but her present concern was that the reputations of the City of Mesa, City staff and the Councilmembers have been called into question.

Councilmember Rawles stated the opinion that a reference to an "error" seems to be inappropriate except as related to the storage issue. He noted that other forms of service, such as rotational towing service, have been suggested, and that the Council has received legal advice that the original bid cannot be considered. Councilmember Rawles recommended that the Council not award the proposed contract, which would allow the current provider to continue to provide service under the automatic extension provision of the existing contract. He explained that this action would provide a period of time for the Council to study the issue and obtain additional information.

It was moved by Councilmember Rawles, seconded by Vice Mayor Walters, that the subject contract not be awarded, that staff provide additional information to the Council at future Study Sessions, and that staff issue a new Request for Proposals for towing services within the next two to six months.

In response to a series of questions from Councilmember Thom, Ms. Seekins stated that vehicles are being towed outside of the City for warranty service; that she was unaware of an agreement that the service provider would pick up City vehicles at no charge; and that she would research the issue further and provide the Council with the information.

Police Commander Hector Federico responded to Councilmember Thom's questions by stating that the process of towing a vehicle is initiated by a report from a field officer to the "Teleserve" officers who notify the towing firm to remove a vehicle from a specific location. He advised that the towing firm has 24 hours to remove the vehicle, but often the vehicle has been removed prior to the arrival of the towing firm, and therefore the log of reported abandoned vehicles and the actual number removed may differ significantly.

Councilmember Thom clarified that her question related to the current contractor's level of compliance with the existing contract item 5.2.3, Duties of Contractor, relative to the requirement to provide to the Police Headquarters Information Desk the "Vehicle Tow and Inventory Report" in a timely and efficient manner.

Commander Federico advised that he has not received any information from Police Department staff regarding complaints or problems with the reporting process.

Responding to a series of questions from Councilmember Thom, Commander Federico confirmed that he supervises the information desk, that he does not personally receive a daily vehicle towing report, and that the vehicle towing report would be directed to the Teleserve Office.

Councilmember Thom expressed the opinion that the reporting requirement was an important component of the contract, and she requested that staff provide information to the Council relative to this item.

Mayor Hawker called for the vote.

Upon tabulation of votes, it showed:

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

Mayor Hawker declared the motion carried by majority vote.

\*4.1. Discuss and consider increasing the change order allowance by \$751,000.00 for the Mesa Arts Center.

5. Introduction of the following ordinance and setting August 16, 2004 as the date of public hearing on this ordinance:

\*a. Deleted.

\*b. Amending various sections of the Mesa City Code regarding the following traffic modifications:

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

On 1<sup>st</sup> Avenue from Country Club Drive to Morris. (Town Center Area. Council District 4).

On the north side of 1<sup>st</sup> Avenue from a point 60 feet west of Robson to a point 168 feet east of Robson. (Town Center Area. Council District 4).

On the north side of 1<sup>st</sup> Avenue from a point 117 feet west of Macdonald to a point 91 feet east of Macdonald and on the south side of 1<sup>st</sup> Avenue from a point 204 feet west of Macdonald to a point 72 feet east of Macdonald. (Town Center Area. Council District 4).

On the north side of 1<sup>st</sup> Avenue from a point 83 feet west of Drew Street to a point 66 feet east of Drew Street and on the south side of 1<sup>st</sup> Avenue from a point 120 feet west of Drew Street to a point 48 feet east of Drew Street. (Town Center Area. Council District 4).

On the north side of 1<sup>st</sup> Avenue from a point 101 feet west of Center Street to a point 114 feet east of Center Street and on the south side of 1<sup>st</sup> Avenue from a point 102 feet west of Center Street to a point 43 feet east of Center Street. (Town Center Area. Council District 4).

On the north side of 1<sup>st</sup> Avenue from a point 79 feet west of Serrine to a point 256 feet east of Serrine and on the south side of 1<sup>st</sup> Avenue from a point 224 feet west of Serrine to a point 41 feet east of Serrine. (Town Center Area. Council District 4).

On the south side of 1<sup>st</sup> Avenue from a point 229 feet west of Pasadena to a point 146 feet east of Pasadena. (Town Center Area. Council District 4).

On the north side of 1<sup>st</sup> Avenue from a point 193 feet west of Hibbert to a point 109 feet east of Hibbert and on the south side of 1<sup>st</sup> Avenue from a point 123 feet west of Hibbert to a point 91 feet east of Hibbert. (Town Center Area. Council District 4).

On the north side of 1<sup>st</sup> Avenue from a point 111 feet west of Pomeroy to a point 70 feet east of Pomeroy. (Town Center Area. Council District 4).

On the north side of 1<sup>st</sup> Avenue from a point 76 feet west of Mesa Drive to a point 55 feet east of Mesa Drive and on the south side of 1<sup>st</sup> Avenue from Pomeroy to a point 74 feet east of Mesa Drive. (Town Center Area. Council District 4).

On the east side of Harris Drive from Kramer Street to a point 200 feet north of Kramer Street. (north of McKellips Road and west of Gilbert Road. Council District 1).

- \*c. **Z04-49 (District 4)** 1130 and 1110 South Horne. Located east of Mesa Drive and north of Southern Avenue (2.35 ac ±). Rezone from M-1 to M-1 PAD and Site Plan Review. This request is to allow for the development of a light industrial development. Todd Allen, owner; Corey Smith, applicant.
- \*d. **Z04-50 (District 2)** The 1600 block of East University Drive (south side). Located south of University Drive and west of Gilbert Road (1.08 ac ±). Rezone from O-S to C-1 and Site Plan Review. This request is for the development of an office with fleet vehicle parking. Lisa Miller, owner; Josh Oehler, applicant.
- \*e. **Z04-51 (District 2)** The 1600 to 1700 block of East Main Street (south side). Located west of Gilbert Road and south of Main Street (0.98 ac ±). Site Plan Review. This request is to allow for the development of a commercial building. Ernesto G. Castro, owner; Michael P. Monroe, applicant.
- \*f. Pertaining to an update of the Zoning Ordinance Design Guidelines and Standards; regarding various technical and clerical amendments; Amending Sections 11-1-6, 11-3-6, 11-3-7, 11-3-8, 11-3-9, 11-3-10, 11-3-11, 11-4-5, 11-4-6, 11-4-7, 11-4-8, 11-4-9, 11-4-10, 11-4-11, 11-5-6, 11-5-7, 11-5-8, 11-5-9, 11-5-10, 11-5-11, 11-6-6, 11-6-7, 11-6-8, 11-6-9, 11-6-10, 11-6-11, 11-7-7, 11-7-8, 11-7-9, 11-7-10, 11-7-11, 11-7-12, 11-9-5, 11-9-6, 11-9-7, 11-9-8, 11-9-9, 11-9-10, 11-10-8, 11-10-9, 11-10-10, 11-12-4, 11-12-5, 11-12-6, 11-12-7, 11-14-2, 11-14-3, 11-15-1, 11-15-2, 11-15-3, 11-15-4, 11-15-5, and 11-16-2 by adding clarifying provisions, removing conflicting provisions; and providing penalties for the violation thereof.
- \*g. Relating to public health and safety, repealing Title 7, Chapter 2 of the Mesa City Code; preserving rights and duties that have already matured and proceedings that have already begun hereunder; adopting the 2003 International Fire Code by reference; amending certain provisions in the 2003 International Fire Code; amending Title 7 of the Mesa City Code by adding thereto a new Chapter 2; providing penalties for violations; and an effective date of September 18, 2004.

- \*h. Repealing Chapter 1, Chapter 8 and Chapter 9 of Title 4 of the Mesa City Code, and amending Title 4 of the Mesa City Code by adding a new Chapter 1 Mesa Administrative Code.
- \*i. Repealing Chapter 2, Chapter 10 and Chapter 11 of Title 4 of the Mesa City Code, and amending Title 4 of the Mesa City Code by adding a new Chapter 2 Mesa Building Code.
- \*j. Repealing Chapter 3 and Chapter 7 of Title 4 of the Mesa City Code, and amending Title 4 of the Mesa City Code by adding a new Chapter 3 Mesa Residential Code.
- \*k. Repealing Chapter 4 and Chapter 6 of Title 4 of the Mesa City Code, and amending Title 4 of the Mesa City Code by adding a new Chapter 4 Mesa Electrical Code.
- \*l. Repealing Chapter 5 and Chapter 12 of Title 4 of the Mesa City Code, and amending Title 4 of the Mesa City Code by adding a new Chapter 5 Mesa Plumbing Code.
- \*m. Amending Title 4 of the Mesa City Code by adding a new Chapter 6 Mesa Mechanical Code.
- \*n. Amending Title 4 of the Mesa City Code by adding a new Chapter 7 Mesa Fuel Gas Code.
- \*o. Repealing Chapter 13 of Title 4 of the Mesa City Code, and amending Title 4 of the Mesa City Code by adding a new Chapter 8 Mesa Existing Building Code.
- \*p. Amending Sections 3-4-3 of the Mesa City Code to modify the names of the Divisions under the responsibility of the Manager of Development Services.
- \*q. Amending Sections 5-12-04, 5-12-5 and 5-12-9 of the Mesa City Code to modify references from the Superintendent of Building Inspections to Building Safety Director.
- \*r. Amending Sections 6-11-2, 6-11-6, 6-11-10 and 6-11-12 of the Mesa City Code to modify references from the Superintendent of Building Inspections to Building Safety Director.
- \*s. Amending Section 6-12-5(C) of the Mesa City Code to modify references from the Superintendent of Building Inspections to Building Safety Director.
- \*t. Amending Section 8-2-3 of the Mesa City Code to modify references from the Superintendent of Building Inspections to Building Safety Director.
- \*u. Amending Section 8-6-4 of the Mesa City Code to modify references from the Building Inspections Division to Building Safety Division.
- \*v. Amending Section 8-6-5 of the Mesa City Code to modify references from the Building Inspections Division to Building Safety Division, and from the Superintendent of Building Inspections to Building Safety Director.

- \*w. Amending Section 8-6-8 of the Mesa City Code to modify references from the Superintendent of Building Inspections to Building Safety Director.
- \*x. Amending Section 8-6-14 of the Mesa City Code to modify references from the Superintendent of Building Inspections to Building Safety Director.

6. Consider the following resolutions:

- \*a. Granting the sale of City-owned property located in the 4200 block of East Quenton – Resolution No. 8285.
- \*b. Authorizing the sale of a 1.49 acre parcel of land in Pinal County to Brooks and Kimberly Bartlett – Resolution No. 8286.  
  
This is excess property that is no longer needed.
- \*c. Authorizing the sale of a 13’ strip of land in Pinal County to Level 3 Communications – Resolution No. 8287.  
  
This is excess property that is no longer needed.
- \*d. Authorizing the sale of a perpetual easement on a 5.43 acre parcel of land in Pinal County to the U.S. Department of Energy Western Area Power Administration (“WAPA”) – Resolution No. 8288.  
  
This easement is necessary for the construction of the power line.
- \*e. Amending an error in the legal description of the Lease Agreement between the Mesa Development Corporation and the City of Mesa – Resolution No. 8289.
- f. Approving and authorizing the City Manager to execute an Intergovernmental Agreement between the Town of Gilbert and the City of Mesa for utility service – Resolution No. 8295.

It was moved by Vice Mayor Walters, seconded by Mayor Hawker, that Resolution No. 8295 be adopted.

Councilmember Thom stated that her request to remove this item from the consent agenda was prompted by the fact that she had several questions and concerns. She advised that appraisal information provided by staff indicates that the infrastructure value is approximately \$3 million, and that the service area generates approximately \$383,000 in annual revenue to the City. Councilmember Thom further stated that independent financial advisors informed her that a utility is typically worth ten to fifteen times the amount of annual revenue in addition to the value of the infrastructure. She expressed support for the sale of the utility at a fair price, but said she believes the utility is considerably undervalued at \$2.5 million. Councilmember Thom reported that she has been in contact with a private water company that has expressed an interest in purchasing the utility, and she recommends that the Council delay action on this agenda item.

Mayor Hawker advised that the City of Mesa has made many efforts to sell the subject utility in the past 15 to 20 years, and the fact that Mesa provides water service to a number of Gilbert residents has resulted in confusion and conflicts. He expressed the opinion that the information provided to Councilmember Thom regarding the potential value of the utility was incorrect, and he also stated the opinion that the City of Mesa should not provide utility services beyond the City's boundaries. Mayor Hawker noted that the pump station would require major upgrades by the Town of Gilbert, and he expressed support for the sale of the utility.

Vice Mayor Walters stated that she concurred with many of the Mayor's comments. She expressed support for providing water and wastewater services to only those areas within Mesa's boundaries, but added that she did not favor changing Mesa's existing gas utility service area, which extends far beyond the City's boundaries. Vice Mayor Walters stated the opinion that when the cost of system upgrades and on-going maintenance requirements are considered, the sales price appears to be fair and reasonable.

Councilmember Griswold stated that the City of Mesa originally purchased the utility in order to develop the Superstition Springs area, and that the revenues generated by Superstition Springs have repaid the City many times. He expressed support for the sale that will enable the Town of Gilbert to control service within their boundaries. Councilmember Griswold also noted that an example of cooperation between cities is the joint effort of the City of Mesa and the Town of Gilbert to construct a new waste treatment plant.

Mayor Hawker called for the vote.

Upon tabulation of votes, it showed:

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

Mayor Hawker declared the motion carried by majority vote and Resolution No. 8295 adopted.

- \*g. Approving and authorizing the City Manager to execute an Intergovernmental Agreement among the Arizona municipal corporations of Gilbert, Queen Creek and Mesa concerning the construction and operation of a Greenfield Water Reclamation Plant – Resolution No. 8290.
- \*h. Approving and authorizing the City Manager to execute an agreement between the Engineering Research and Development Center – Construction Engineering Research Laboratory, a division of the U. S. Army Corp of Engineers and the City of Mesa – Resolution No. 8291.
- \*i. Approving and authorizing the City Manager to enter into an agreement to continue to retain William Anger to represent jointly Mesa, Chandler, Glendale and Scottsdale in the Gila River General Stream Adjudication – Resolution No. 8292.
- \*j. Authorizing the sale of City property located at the southwest corner of Greenfield Road and Virginia Street (City of Mesa Transit Operations and Maintenance Facility) to the Regional Public Transportation Authority – Resolution No. 8293.

This is excess City property and is no longer needed.

- \*k. Approving and authorizing the City Manager to execute an Intergovernmental Agreement between the Regional Public Transportation Authority and the City of Mesa for the management of the Transit Operations and Maintenance Facility – Resolution No. 8294.

\*6.1. Discuss and consider authorizing an amendment to the Lease Agreement between the Mesa Development Corporation and the City of Mesa.

6.2 Discuss and consider authorizing the City Manager to issue a letter conditionally approving Outsource International's written evidence that it has obtained a binding commitment for financing the development of Site 21.

City Manager Mike Hutchinson expressed the opinion that a quality development at Site 21 would provide a long-term, positive impact in downtown Mesa. He reported that confirmation of a binding agreement for financing is included in the Council's packet. Mr. Hutchinson recommended that the Council authorize him to issue a letter of conditional approval relative to Outsource International's evidence that a binding commitment for financing has been obtained. He advised that City Redevelopment Office staff members and representatives of the developer were present to answer any questions.

Mayor Hawker stated that two requests to speak were received, and he asked William Stalnaker to come forward.

William Stalnaker, 5828 Calle del Medio, Phoenix, a principal in Outsource International, the co-developer of One Macdonald Center, expressed gratitude to the Council for courtesies extended, and he acknowledged the strong and positive representation by staff on behalf of the City. He stated that he and his partners appreciate the opportunity to partner with the City of Mesa on this project. He introduced Ralph Larsen, the other co-developer of the project.

Ralph S. Larsen, 1550 East McKellips, #117, representing M-3 Development, reported that his group is pleased that the financing requirement has been fulfilled. He advised that the financing is scheduled to close on July 15<sup>th</sup> and that construction should begin approximately the first week of August. Mr. Larsen thanked the Council, Mayor Hawker, City staff and everyone involved for providing assistance and support in the effort to redevelop Site 21.

Mayor Hawker noted that the 90-day extension granted by the Council was until July 6, 2004, and he requested that Mr. Larsen provide information on the conditional approval and the timing for closing on the loan.

Mr. Larsen advised that the encroachment permits and the land lease must be executed in a specific time sequence, and that July 15<sup>th</sup> is the anticipated date for closing to occur on the financing.

In response to a series of questions from Councilmember Rawles, Mr. Larsen stated that the land lease, a part of the development agreement, is required to be in place prior to completing the financing. He advised that the land lease agreement provides the lender with the right to record a lien on City property.

Assistant City Attorney Monica Michelizzi explained that the lease referred to by Mr. Larsen is provided to the developer by the City, and that the City controls the document.

Mr. Larsen added that the City also controls the encroachment permits.

It was moved by Vice Mayor Walters, seconded by Councilmember Whalen, that the Council authorize the City Manager to issue a letter conditionally approving Outsource International's written evidence that a binding commitment for financing the development of Site 21 has been obtained, and that if the loan does not close by July 23, 2004, Outsource International would be in default and the contract with the City of Mesa would terminate.

Ms. Michelizzi confirmed that the wording of Vice Mayor Walters' motion was acceptable.

Benjamin Van Horn, Vice President, First National Bank of Arizona, confirmed that subject to the Council's approval and the assignment of the lease, the loan is scheduled to close on Thursday, July 15, 2004. He stated that the financing arrangements are complete except for the actions required on the part of the City of Mesa.

Councilmember Griswold stated that although he has not been a proponent of this project in the past, he expressed support for moving forward at this time. He noted that the developer has performed due diligence, and that the outstanding documents are the City's responsibility.

In response to Councilmember Rawles' question regarding the use of the term "conditional" in the bank's letter of June 30, 2004, Mr. Van Horn stated that the letter confirmed the existence of the binding loan commitment.

Councilmember Rawles expressed concern regarding the fact that the June 30th letter from the First National Bank of Arizona included the term "conditional" and "non binding" on each page. He also noted that bolded wording in the first paragraph stated, "The Bank's obligation to approve and fund the loan for the Project is subject to satisfaction of all terms and conditions required by Bank, at its sole discretion." Councilmember Rawles stated the opinion that the letter did not represent a binding commitment. He advised that relative to issues where he disagreed with the decisions of previous Councils, he would not attempt to implement changes to decisions that involved existing, binding legal contracts. Councilmember Rawles stated that his lack of support for the motion was based on the fact that in his opinion the developer has not met the obligation in the specified timeframe, and that he philosophically objects to utilizing taxpayer funds for redevelopment in downtown Mesa.

Responding to a series of questions from Councilmember Thom, Senior Redevelopment Specialist Patrick Murphy advised that the surface parking lot is not included as a part of the redevelopment agreement; that the developer has requested that the City consider future negotiations relative to the construction of a parking garage; that the only promise made to the developer is that the City will negotiate in good faith; and that any proposal relative to a parking lot or parking garage would be brought forward for Council consideration.

Councilmember Thom stated that she voted against the original proposal for the project. She advised that the City invested \$1.5 million to purchase the building and approximately a half million dollars to remediate asbestos. Councilmember Thom expressed the opinion that the

best alternative for the City is to sell the building at a fair market price. She added the opinion that approval of the project was an example of the City squandering taxpayer dollars, and therefore she would not support the motion.

Mayor Hawker requested confirmation from Mr. Larsen and Mr. Stalnaker relative to the fact that a parking garage is not included in the current discussion, and he clarified that his support of the project is unrelated to any future discussion regarding a parking lot or a parking garage.

Mr. Larsen confirmed that a parking lot and a parking garage are unrelated to the request presently before Council.

Vice Mayor Walters advised that the Governing Board of the Mesa School District, on which she served as a member, once considered utilizing the Site 21 building, but the Board determined that the project would not be financially feasible. She stated the opinion that the subject project is a private/public partnership to develop a quality building that will have a positive impact in downtown Mesa.

In response to questions from Councilmember Jones relative to contractual wording in the event of default, Ms. Michelizzi advised that a performance schedule is in place that establishes "Essential Project Dates" or "Essential Obligations" to provide the City with recourse in the event of default. She explained that staff would review performance dates as the project progresses.

Discussion ensued relative to the fact that a performance bond will be provided at the same time that the financing is finalized, and that the building permit has been issued and will be available to the developer.

Mayor Hawker called for the vote.

Upon tabulation of votes, it showed:

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

Mayor Hawker declared the motion carried by majority vote.

\*6.3 Authorizing an agreement with the Regional Public Transit Authority for the lease of the Mesa Transit Operations and Maintenance Facility with an option to purchase.

7. Consider the following ordinances:

- a. Pertaining to the Subdivision Regulation of the Mesa City Code; Amending Title 9, Chapter 6, Section 1 and Section 5 regarding various amendments to the Desert Uplands Development Standards and providing penalties for the violation thereof – Ordinance No. 4233.

Principal Planner Dorothy Chimel provided an overview of the changes to the subdivision regulations for the Desert Uplands sub-area located in East Mesa. She noted that Councilmember Griswold played a significant role in reaching a compromise relative to the concerns of the development community and the neighborhood. Ms. Chimel explained that the

regulations are designed to preserve the character of the desert and the native Sonoran Desert plant palette. She noted that the subject regulations address subdivisions rather than individual lots and relate to the placement of executive-style homes on the lots. Ms. Chimel advised that many of the speakers present are likely to address issues relative to the building envelope and the lot disturbance area.

Jerry Seeman, 3714 North Hawes Road, representing the Spook Hill Neighborhood Action Association, spoke in opposition to the proposed standards. He expressed the opinion that the increased allowable disturbance area proposed by the ordinance would devastate the Desert Uplands. Mr. Seeman recommended that the document be revised to reduce the area of disturbance, and that staff be directed to develop a comparable document to regulate the development of City projects in the Desert Uplands area.

Bill Jaffa, 30 West 1<sup>st</sup> Street, #B, representing Estrella Vista, expressed opposition to the proposed standards and expressed the opinion that the proposed allowable disturbance area was inadequate. He recommended that the City of Mesa adopt guidelines similar to those adopted by the City of Scottsdale that permit an 80 percent building envelope. Mr. Jaffa stated that the proposal is one of the most restrictive ordinances in the Valley.

Larry Goodyear, 1850 East 8<sup>th</sup> Street, the owner of a ¾ acre lot in Las Sendas, stated that he supported the proposal before the Council.

Benjamin Scheier, 4710 East Falcon Drive, representing I Plan, a builder and designer of custom homes in Las Sendas, expressed support for the proposed ordinance, and he stated that the ordinance will provide a more natural desert environment by eliminating the need for retaining walls.

Councilmember Griswold reviewed some of the changes in the proposed ordinance and explained that the regulations do not apply to one-acre lots. He advised that the subject agreement is the result of a long negotiation process between developers and desert preservationists.

It was moved by Councilmember Griswold, seconded by Councilmember Jones, that Ordinance No. 4233 be approved.

Carried unanimously.

- \*b. Amending Title 4, Chapter 9, Section 1 of the Mesa City Code, to provide the City Manager or his designee the authority to provide a percentage fee refund or credit against total permit charges if the City's Plan Review Performance Goals are not achieved – Ordinance No. 4231.
- \*c. Amending Title 4, Chapter 9, Section 2 of the Mesa City Code to provide the City Manager or his designee the authority to waive or reduce fees in certain circumstances that are set forth in the schedule of fees and charges – Ordinance No. 4232.
- d. Amending Title 5, Chapter 17, of the Mesa City Code, relating to development impact fees – Ordinance No. 4234.

Councilmember Thom stated that she opposed the General Government and Stormwater development impact fees. She said that the City has issued bonds for stormwater improvements and expressed the opinion that charging additional fees was a method of generating revenue for the City. Councilmember Thom also expressed the opinion that additional fees would stifle development.

In response to Councilmember Rawles request for clarification regarding this agenda item, Deputy Building Safety Director Jeff Welker stated that the text changes in agenda item 7d are designed to improve the equitable manner in which fees are applied and to remove language ambiguities that have existed relative to the fees. He explained that the substantive change relates to incorporating numerous categories of non-residential fees into one non-residential fee category. Mr. Welker also advised that staff in the normal course of performing their duties attempts to identify exemptions or credits that may be available to the builder of a single home or the developer of a large project.

Vice Mayor Walters requested that Mr. Welker explain the need for the stormwater impact fee and the relationship between the impact fee and the bonding that is occurring.

Mr. Welker stated that misconceptions regarding the stormwater impact fee have been discussed at monthly Development Advisory Forums. He advised that developers are required to address stormwater retention issues on site, but the project development also impacts stormwater issues off site. He noted that an impassable road following a storm becomes an issue as development in the surrounding area increases. Mr. Welker also stated that other examples of stormwater issues relate to developed properties in central and west Mesa that are presently connected to existing Salt River Project (SRP) underground irrigation lines. He reported that as redevelopment occurs, SRP will request that the City of Mesa provide stormwater systems for these properties.

Mr. Welker explained that bonds have been approved to build stormwater facilities, and that impact fees are the main sources of revenue to repay the bonds.

Vice Mayor Walters noted that some individuals have a misconception that bonds generate revenue for the City when in fact bonds authorize the City to borrow money that has to be repaid.

Responding to a question from Vice Mayor Walters, Mr. Welker stated that the Town of Queen Creek's impact fees are higher than the fees charged by the City of Mesa. He noted that the higher fees have not impacted the rate of growth in Queen Creek. Mr. Welker further stated that impact fee data for the Valley indicates that the areas experiencing the highest rate of growth also have the highest impact fees.

Councilmember Griswold stated the opinion that new growth should pay for itself, but he also expressed concern relative to the concept and methodology employed in implementing the General Government impact fee.

Mr. Welker stated that existing facilities provide services to all residents, and that the City employs the most conservative methodology to determine future costs by utilizing the per capita cost or the cost per square foot to expand the facilities to meet the demand resulting from new growth. He explained that the other methodology is less conservative, is based on projected

building schedules and Capital Improvement Projects, and is highly dependent on the projects being constructed in a certain period of time in the predicted growth area. He added that this methodology provides the Council with less flexibility in decision making and planning.

It was moved by Councilmember Rawles, seconded by Vice Mayor Walters, that Ordinance No. 4234 be adopted.

Carried unanimously.

- e. Amending Title 5, Chapter 17, Table 1, of the Mesa City Code, relating to water development impact fees – Ordinance No. 4235.

Suzanne B. Gilstrap, 2302 North 3<sup>rd</sup> Street, Phoenix, stated that as a representative of the Arizona Multi Housing Association, she was pleased with the reduction for multi-family water and wastewater fees. She advised that the only fee her organization opposed was the stormwater impact fee. Ms. Gilstrap expressed the opinion that implementing a stormwater fee would set a precedent for other cities, and that this issue affected certain sections of Mesa as opposed to being a citywide issue.

It was moved by Vice Mayor Walters, seconded by Councilmember Jones, that Ordinance No. 4235 be adopted.

Discussion ensued relative to the fact that the impact fee provides a “buy in” to existing facilities and infrastructure; that the fees fund services required by new developments in the community; that the fees cover the cost to extend service connections to the new development; and that new development should pay for itself.

Councilmember Thom stated that the motion before the Council was to increase development impact fees and to add two new fees that are not presently being charged. She advised that she wanted to clarify that the motion would not repeal any impact fees or reduce utility rates.

Mayor Hawker called for the vote.

Upon tabulation of votes, it showed:

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

Mayor Hawker declared the motion carried by majority vote and Ordinance No. 4235 adopted.

- f. Amending Title 5, Chapter 17, Table 2, of the Mesa City Code, relating to wastewater development impact fees – Ordinance No. 4236.

It was moved by Vice Mayor Walters, seconded by Councilmember Rawles, that Ordinance No. 4236 be adopted.

Carried unanimously.

- g. Amending Title 5, Chapter 17, Table 3, of the Mesa City Code, relating to park development impact fees – Ordinance No. 4237.

It was moved by Vice Mayor Walters, seconded by Councilmember Whalen, that Ordinance No. 4237 be adopted.

Upon tabulation of votes, it showed:

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

Mayor Hawker declared the motion carried by majority vote and Ordinance No. 4237 adopted.

- h. Amending Title 5, Chapter 17, Table 5, of the Mesa City Code, relating to library development impact fees – Ordinance No. 4238.

It was moved by Councilmember Griswold, seconded by Vice Mayor Walters, that Ordinance No. 4238 be adopted.

Upon tabulation of votes, it showed:

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

Mayor Hawker declared the motion carried by majority vote and Ordinance No. 4238 adopted.

- i. Amending Title 5, Chapter 17, of the Mesa City Code, relating to general government facilities development impact fees – Ordinance No. 4239.

It was moved by Vice Mayor Walters, seconded by Mayor Hawker, that Ordinance No. 4239 be adopted.

Councilmember Rawles stated the opinion that the general government impact fee appears to be ambiguous and vague.

In response to Councilmember Whalen's inquiry relative to the budget impact of the general government fee, Mr. Welker advised that the fee is projected to contribute \$1.1 million in annual revenue.

Councilmember Whalen stated the opinion that the fee was not clearly defined, and he questioned whether the City of Mesa would remain competitive with other Valley cities.

Discussion ensued relative to the fact that the data compiled by staff indicates that Mesa's fees remain competitive in comparison to other Valley communities; that the Council requires staff to perform an annual review of all fees; that general government fees could accumulate over a ten-year period to construct projects according to the demand created by development; and that the City is legally obligated to refund any fees that have not been properly allocated to projects.

Vice Mayor Walters stated that a general understanding exists in the community relative to the requirement for additional police officers, firefighters, and fire stations to meet the demands of new growth, but the requirement for other types of infrastructure and staffing is more difficult to quantify. She noted that other cities have recognized the necessity for this type of impact fee. Vice Mayor Walters expressed the opinion that if the Council believes that growth should pay for itself, the general government fee should be adopted.

Councilmember Griswold stated that impact fees fund only the specific projects for which the fee was imposed, and he cited the example of the wastewater treatment plant currently being constructed by the City. He expressed a preference for phasing the fee in over a two-year period.

Councilmember Jones expressed the opinion that the Council would have a greater "comfort level" if staff could provide a list of potential projects to be addressed by the subject impact fee.

Mayor Hawker called for the vote.

Upon tabulation of votes, it showed:

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

Mayor Hawker declared the motion carried by majority vote and Ordinance No. 4239 adopted.

j. Amending Title 5, Chapter 17, of the Mesa City Code, relating to stormwater drainage systems development impact fees – Ordinance No. 4240.

Rus Brock, 3200 East Camelback, Suite 180, representing the Home Builders Association of Central Arizona, advised that his organization understands that impact fees are imposed in order to fund the additional facilities required as a consequence of growth, but he expressed concern relative to the stormwater impact fee and the manner in which the fee would be applied. He advised that the State Statutes require the existence of a rational connection between the fee imposed and the service provided. Mr. Brock suggested that staff determine the location of the stormwater system and propose a regional fee similar to the practice of other Valley jurisdictions. He requested that the Council delay approval of this fee until a mechanism is included that insures that the fee will be imposed in an equitable manner.

Suzanne B. Gilstrap, 2302 North 3<sup>rd</sup> Street, Phoenix, representing the Arizona Multi Housing Association, expressed opposition to the fee for the same reasons stated by Mr. Brock.

In response to a request from Councilmember Jones, Mr. Welker explained that a few years ago the Salt River Project (SRP) requested that the City abandon connections to SRP lines in older neighborhoods, but the request was subsequently withdrawn because of the financial impact on the City. Mr. Welker advised that the current SRP policy states that as vacant properties develop and existing properties redevelop, the connections are to be abandoned. He added that no specific schedule has been formulated due to the fact that the abandonment will be driven by development and redevelopment in the areas where the SRP connections exist, which include central, west and northwest Mesa. Mr. Welker advised that he was not involved in discussions with SRP, but he believes the action was related to water quality issues.

Discussion ensued relative to the fact that the application of the fees will provide equity to the developer and management flexibility to the Council; that cities implementing regional fees must secure other sources of funding if a need develops outside the specified regions, but Mesa does not have the same income sources that are available to other cities; that Mesa will be on the "cutting edge" if the fee is approved; that Mesa will be able to effectively address any unexpected demand as areas develop and redevelop; that if the development does not create a demand, the fee is not applicable; that staff is sensitive to informing the "one-time" developer of a home or a small commercial property relative to the law and any possible fee exemptions; that staff will request information from SRP relative to connections that are subject to future abandonment; that the fees could assist the City in rebuilding and protecting the southeast area in the event changes occur to the upstream flood control structures; that every new development application must be accompanied by a hydrology report that addresses the onsite retention and offsite flows, and the report is utilized by staff to determine if the impact fee is applicable; that collected fees are placed in a restricted account and any expenditure must benefit the development paying the fee or the fee is refundable; and that the fee is projected to generate revenue totaling \$568,000.

In response to Vice Mayor Walters' comment that a nexus in law must be present, Mr. Welker stated that collected fees are placed in restricted accounts and that State law specifically requires that the development must benefit from the payment of that fee within ten years or the fee must be refunded.

Vice Mayor Walters concurred with an earlier comment by Ms. Gilstrap that areas exist in the community where a stormwater impact fee is not applicable. She also noted that some areas that flood during rainstorms, such as Ellsworth Road, were not an issue prior to the construction of new developments.

Mr. Welker stated that the impact fees would assist the City in paying off the bonds utilized to construct larger projects.

In response to Vice Mayor Walters' question relative to the proposed fee complying with the statutory obligation in terms of nexus, Mr. Padilla advised that the City Attorney's Office has offered the opinion that the fee meets the statutory requirements, and that the Council's action to adopt the fee would be appropriate.

Councilmember Thom stated that she understood that State law would prohibit destruction of the stormwater attenuation facilities in Pinal County; that McFlood (Maricopa County Flood Control District) is a County division that cooperates with municipalities to address stormwater issues; and that the City of Phoenix has several zones with a range of stormwater impact fees, including some areas without any stormwater impact fees. She expressed the opinion that other funding sources were available, and said that she was opposed to the proposed stormwater impact fee.

Councilmember Rawles expressed concern relative to the manner in which the fees would be applied to a particular development and the nexus required by State law. He requested that staff provide the Council with a report in the next several months that documents that the funds are collected for specific projects. Councilmember Rawles stated that he would support the

stormwater fee, due to the fact that the projected revenue was included in the budget. He noted that the fee could be repealed at a future date if necessary.

In response to a question from Councilmember Whalen, Mr. Welker advised that a developer or landowner could challenge staff's determination that a fee is applicable; and that an appeal could be made to several levels of staff and ultimately to the Council.

Councilmember Griswold noted that the flooding in his district originates in the foothills located in Maricopa County. He stated opposition to the proposed stormwater fee, but suggested that the City pursue projects with Maricopa County in order to address the needs of the City's eastern region.

Mr. Hutchinson advised that staff members are proud of their efforts to address issues with McFlood. He added that Maricopa County levies a special property tax that is paid by Mesa residents to address flood issues, and that City of Mesa staff and officials have been successful in obtaining the City's fair share of that revenue. Mr. Hutchinson stated that additional local dollars are required in order to address projects that the County Flood Control District is unable to fund. He also advised that State Land officials informed him today that obtaining the necessary funding for maintenance of the stormwater retention structures in Pinal County would be an important issue in the next few years.

It was moved by Vice Mayor Walters, seconded by Councilmember Jones, that Ordinance No. 4240 be adopted.

Upon tabulation of votes, it showed:

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

Mayor Hawker declared the motion carried by majority vote and Ordinance No. 4240 adopted.

8. Consider the following subdivision plats:

- \*a. "SAN ANGELIN APARTMENTS", – (Council District 6) – 1900 block of South Sunnyvale (east side) located north and east of Baseline Road and Higley Road. 1 R-4 lot (17.57 ac) San Angelin Apartments, L.P., an Arizona Limited Partnership, owner; Landmark Engineering, Inc., engineer.
- \*b. "MAP OF DEDICATION OF SAN FERNANDO APARTMENTS", – (Council District 2) – 4100 block of East Main Street (north side) located north and west of Main Street and Greenfield Road. San Fernando Apartments, L.P., an Arizona Limited Partnership, owner; Landmark Engineering, Inc., engineer.

9. Items from citizens present.

William Puffer, 8330 East Thomas Road, encouraged the City to be cautious relative to the disposition of the water farm property in Pinal County.

10. Adjournment.

Without objection, the Regular Council Meeting adjourned at 8:37 p.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 Regular Council Meeting of the City Council of Mesa, Arizona, held on the 12<sup>h</sup> day of July 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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