

## COUNCIL MINUTES

February 3, 2003

The City Council of the City of Mesa met in a Regular Council Meeting in the Council Chambers, 57 East 1st Street, on February 3, 2003 at 5:45 p.m.

### COUNCIL PRESENT

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

### COUNCIL ABSENT

None

### STAFF PRESENT

Mike Hutchinson  
Debbie Spinner  
Barbara Jones

Invocation by Dr. James E. Adams, Pastor, Cornerstone Church.

Pledge of Allegiance was led by Chris Maughan, Boy Scout Troop # 716.

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.

### 1. Consider all consent agenda items.

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

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

Councilmember Walters acknowledged the designation of Fraser Field as an Historic District (item 7b) and expressed appreciation to the area residents who were present in the audience for their efforts and hard work.

Carried unanimously.

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

Minutes from the January 9, 2003 City Council Meeting.

3. Conduct a public hearing on the McKellips Road Scalloped Street Assessments, City of Mesa Project Nos. 95-12 and 95-12.1. (See backup information for Item #6a).

This project installed street improvements along portions of McKellips Road from Country Club Drive to Gilbert Road and assessed a portion of the costs to the adjacent property owners under the Scalloped Street Assessment Laws.

Mayor Hawker announced that this is the time and place for a public hearing regarding the McKellips Road Scalloped Street Assessments, City of Mesa Project Nos. 95-12 and 95-12.1.

Thomas J. "Tom" Sliskovich, 2042 North Center Street, a property owner in the area, addressed the Council and expressed a series of concerns regarding this item. He commented on the fact that in 1996, the City Council approved Resolution No. 6973 (which ordered street improvements on portions of the north and south side of McKellips Road from Country Club Drive to Gilbert Road), but noted that it has taken over four years for City staff to complete the final assessments of the street improvement costs. Mr. Sliskovich added that because of the delay in completing the assessments, the Scalloped Street Assessment Lien is not set to expire until January 6, 2013.

Mayor Hawker commented that Margaret Mulhern, 5726 North 79<sup>th</sup> Street, Scottsdale, submitted a speaker card and expressed opposition to this item, but did not wish to speak.

In response to a series of questions from Mayor Hawker, City Engineer Keith Nath clarified that although the Council approved Resolution No. 6973 in 1996, it took staff a longer period of time than normal to complete the final cost assessments due to the massive size of the project. He added that a series of complications arose between staff and the contractor, and that it was not until the spring of 1999 that a successfully negotiated contract settlement was reached.

Mayor Hawker commented that from a policy standpoint, management should have been apprised of the fact that staff needed assistance in order to complete the cost assessment in a timely manner. He added that four years is not an acceptable period of time in which to complete the process.

Councilmember Walters concurred with Mayor Hawker's comments and noted that staff's inability to complete the assessments promptly has, in essence, extended the period of time that the Scalloped Street Assessment Lien would run. She stated the opinion that this is unfair to the property owners who are assessed these costs.

In response to a question from Councilmember Walters, City Attorney Debbie Spinner explained that State statute does not set time limits relative to when the Council must set the assessment fee and nor does it provide for provisions for the Council to backdate the fee. She added that Resolution No. 7943 (approved by the Council on January 6, 2003), authorized the approval of the Assessment Diagram Map on the final assessments for the McKellips Road Scalloped

Street Assessment Project, and that the Resolution set February 3, 2003 as the hearing date on the proposed final assessments.

Vice Mayor Kavanaugh agreed with Mayor Hawker and Councilmember Walters' comments. He noted that he is troubled by the fact that the City acquired the property in 1996 for the purpose of making street improvements on McKellips Road and that staff's inability to complete the assessment process in a prompt manner has created a hardship for the property owners with regard to the timing of the Scalloped Street Assessment Lien.

In response to concerns expressed by the Council, Ms. Spinner advised that her office would research the issue further in an effort to reach a more equitable resolution with the property owners.

Councilmember Thom spoke in support of Vice Mayor Kavanaugh's comments relative to the fact that a fairness issue has been raised and agreed that it should be examined by the City Attorney's Office.

Discussion ensued relative to assessment calculations and In-Lieu payments.

Mayor Hawker reiterated that when the City implements the Scalloped Street Assessment Laws, it is essential that sufficient staff resources are available to complete the assessments of street improvement costs within a reasonable timeframe.

In response to a question from Mayor Hawker, Mr. Nath clarified that staff has a number of Scalloped Street Assessment Liens that will be presented to the Council for approval in the future, but commented that he does not anticipate inordinate time delays relative to the completion of those assessment calculations.

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

4. Consider the following liquor license applications.

a. TOM RHODES, PRESIDENT

Special Event License application of Tom Rhodes, President, Mesa Hohokams, a one-day civic event to be held Thursday, March 6, 2003, from 4:00 p.m. to 12 midnight, at 1235 North Center Street, Hohokam Stadium.

Councilmember Whalen declared a potential conflict of interest on items 4a and 4b and said he would refrain from discussion/participation in these agenda items.

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

Upon tabulation of votes, it showed:

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

Mayor Hawker declared the motion carried unanimously by those voting.

b. TOM RHODES, PRESIDENT

Special Event License application of Tom Rhodes, President, Mesa Hohokams, a one-day civic event to be held Thursday, March 26, 2003, from 4:00 p.m. to 12 midnight, at 1235 North Center Street, Hohokam Stadium.

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

Upon tabulation of votes, it showed:

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

Mayor Hawker declared the motion carried unanimously by those voting.

\*c. KEITH C. MILLER, PRESIDENT

Special Event License application of Keith C. Miller, President, Mesa West Rotary Foundation, Inc., a one-day charitable event to be held Wednesday, February 5, 2003, from 6:00 p.m. to 10:00 p.m., at 1341 South Alma School Road, Fiesta Park.

5. Consider the following contracts:

- \*a. Library SelfCheck System Hardware for the Dobson Ranch Branch Library as requested by the Information Services Division (ISD).

The Purchasing Division recommends authorizing an additional purchase option from the City's previous RFB #2002167 with 3M Safety and Security Systems Division, for a total of \$27,506.05 (**Sole Source**).

- \*b. Three-year supply contract for residential refuse and recycling containers (blue, black and green barrels) as requested by the Solid Waste Division.

The Purchasing Division recommends accepting low bid by Rehrig Pacific Company for a total of \$661,422.96 based on estimated annual requirements.

- \*c. Three-year supply contract for sign fabrication materials for the Transportation Division.

The Purchasing Division recommends accepting low bid in each of the three groups, as follows:

Zumar Industries for Group 1 at \$75,154.49 based on estimated annual purchases; and Rocal, Inc. for Groups 2 and 3 at \$95,715.36 based on estimated annual purchases. The combined award is then \$170,869.85 based on estimated annual purchases.

- \*d. Information Services Building Interim Remodel Project. City of Mesa Project No. 00-96.1.

This project proposes to provide new flooring, paint, and ceiling tile, as well as reconfigure systems furniture and perform minor wall construction to meet current space needs. Minor changes to the electrical and fire alarm system will also be made to accommodate the wall modifications.

Recommend award to low bidder, Niche Contractors, Inc., in the amount of \$174,010.00 plus an additional \$17,401.00 (10% allowance for change orders) for a total award of \$191,411.00.

- e. Solid Waste Building Addition, Phase 1, Fence Walls. City of Mesa Project No. 01-652-001.

This project proposes to complete the perimeter wall and add an interior wall, approximately 350 feet of block wall, between the new Utilities building and the existing Electric building.

Recommend award to low bidder, WL Emshoff, in the amount of \$37,785.00 plus an additional \$3,778.50 (10% allowance for change orders) for a total award of \$41,563.50.

Mayor Hawker declared a potential conflict of interest and said he would refrain from discussion/participation in this agenda item.

Mayor Hawker yielded the gavel to Vice Mayor Kavanaugh for action on this agenda item.

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

Upon tabulation of votes, it showed:

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

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

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

- f. Fremont Jr. High School Athletic Field Lighting. City of Mesa Project No. 02-60.

This project proposes to add lighting to the soccer field, allowing for increased use by the school and community.

Recommend award to low bidder, Sellers & Sons, Inc., in the amount of \$74,988.25 plus an additional \$7,498.83 (10% allowance for change orders) for a total award of \$82,487.08.

Councilmember Walters declared a potential conflict of interest and said she would refrain from discussion/participation in this agenda item.

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

Upon tabulation of votes, it showed:

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

Mayor Hawker declared the motion carried unanimously by those voting.

g. 2002/2003 Crack Sealing Project. City of Mesa Project No. 02-904-001.

This project proposes to crack seal nearly 1,850,000 square yards of pavement surfaces throughout Mesa this year.

Recommend award to low bidder, CPC Construction Inc., in the amount of \$316,370.89 plus an additional \$31,637.09 (10% allowance for change orders) for a total award of \$348,007.98.

Mayor Hawker declared a potential conflict of interest and said he would refrain from discussion/participation in this agenda item.

Mayor Hawker yielded the gavel to Vice Mayor Kavanaugh for action on this agenda item.

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

Upon tabulation of votes, it showed:

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

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

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

6. Consider the following resolutions:

- a. Approving the final Scalloped Street Assessments for McKellips Road, City of Mesa Project Nos. 95-12 and 95-12.1.

This project installed street improvements along portions of McKellips Road from Country Club Drive to Gilbert Road and assessed a portion of the costs to the adjacent property owners under the Scalloped Street Assessment Laws.

It was moved by Councilmember Walters, seconded by Vice Mayor Kavanaugh, that action on this matter be delayed until such time as the City Attorney's Office has had the opportunity to conduct further research relative to the timeline associated with the recording of the Scalloped Street Assessment Lien.

Councilmember Griswold expressed support for the motion and noted that the temporary delay will provide staff the opportunity to examine various options in order to provide recourse to citizens such as Mr. Sliskovich.

In response to a series of questions posed by Mr. Sliskovich, Development Services Manager Jack Friedline clarified that of the 35 undeveloped parcels along McKellips Road, the City has received In-Lieu payments from 12 of the property owners to enable them to proceed with their development prior to the recordation of the Scalloped Street Assessment Lien. He added that it is an issue of fairness in looking at the vacant parcels that have not yet paid any development fees to the City.

Mayor Hawker expressed support for the motion, but expressed concerns relative to the time delay that has occurred. He urged the City Attorney's Office to explore whatever legal remedies are available to resolve this matter in a fair and expeditious manner.

Mayor Hawker clarified that the motion is to provide staff additional time to address and prepare options to resolve concerns expressed by citizens and members of the Council.

Carried unanimously.

Mayor Hawker encouraged staff to bring this matter back to the Council for consideration as soon as possible.

- \*b. Authorizing the City Manager to execute a Development Agreement for City Share Reimbursement between Evergreen-Santa Anna, Limited Partnership, an Arizona Limited Partnership, and the City of Mesa for the reimbursement of regional offsite improvements that are being required by the City of Mesa in conjunction with the proposed development of a Walgreen's located at 2024 West Main Street – Resolution No. 7958.
- c. Authorizing the City Manager to execute a Disposition and Development Agreement with Outsource International, an Arizona Limited Liability Company, and all other instruments necessary to carry out the provisions of the agreement – Resolution No. 7964.

It was moved by Councilmember Walters, seconded by Vice Mayor Kavanaugh, that Resolution No. 7964 be adopted.

Councilmember Thom voiced opposition to the motion and presented a series of concerns relative to this item. She stated that the City of Mesa has invested more than \$2 million in the property, and yet the developer is purchasing the building for a token \$1 fee. Councilmember Thom commented that in her opinion, Mesa taxpayers should not be wasting their money on a project such as this, and added that she would prefer that the building be sold outright.

Councilmember Whalen expressed support for the motion and noted that when completed, the project will become a landmark for redevelopment in the Town Center. He stated that not only will the facility retain an already existing Mesa architectural firm consisting of more than 100 employees, it will create new jobs in the downtown area, provide a mixed-use development, including a restaurant with outdoor seating on the ground floor, executive offices suites and Class "A" type office uses.

Vice Mayor Kavanaugh voiced support for the motion and commented that Outsource International's proposal contains comprehensive plans and financing for the development. He stressed the fact that it is important for Mesa residents to understand that \$5.3 million will be invested in the community by the developer as a result of the project. Vice Mayor Kavanaugh also stated that in certain instances, it is appropriate for the City to utilize the Request for Proposal process to ensure that the City's interests are being met. He added that as part of this process, it is crucial that Mesa maintains the integrity and confidence of the business community and the private sector in partnering with the City on projects such as this.

Councilmember Walters expressed support for the motion and concurred with Vice Mayor Kavanaugh and Councilmember Whalen's comments. She noted that during her tenure on the Mesa Schools Governing Board, the Board at one time considered purchasing the Bank One Building, but determined that it was not financially feasible due to a variety of renovations that were necessary in order to render the facility usable. Councilmember Walters added that the past Council acknowledged this dilemma and recognized that it would not be financially feasible for a developer to purchase the building and subsequently initiate all of the necessary improvements to upgrade the structure to an acceptable level.

Mayor Hawker stated that although he will support the motion, he would prefer that City-owned properties that are scheduled for development in the future be sold to private developers who, in turn, will incur all the development costs and thereby eliminate the need for the City to offer cost incentives. He added that he hopes the proposed development will update the exterior design of the building, set a standard for future development in the Town Center area, and strengthen one of Mesa's employment centers.

Councilmember Griswold concurred with Mayor Hawker's comments.

Upon tabulation of votes, it showed:

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

Mayor Hawker declared the motion carried by majority vote and Resolution No. 7964 adopted.

- \*d. Creating an Arts and Cultural District for the City of Mesa – Resolution No. 7959.
- \*e. Amending Resolution No. 6362 and changing the requirements for and the administration of the reserve fund created to serve the City's Utility Systems Revenue Bonds and Utility Systems Revenue Refunding Bonds – Resolution No. 7960.
- \*f. Ordering the sale of \$22,565,000 principal amount of City of Mesa General Obligation Bonds, Series 2003; and authorizing the reimbursement from bond proceeds of certain advances on construction projects – Resolution No. 7961.
- \*g. Ordering the sale of \$50,470,000 principal amount of City of Mesa Utility Systems Revenue Bonds, Series 2003; and authorizing the reimbursement from bond proceeds of certain advances on construction projects from the utility fund – Resolution No. 7962.
- \*h. Ordering the sale of \$26,805,000 principal amount of City of Mesa Street and Highway User Revenue Bonds, Series 2003; and authorizing the reimbursement from bond proceeds of certain advances on construction projects – Resolution No. 7963.

6.1. Consider the following recommendation from the Parks and Recreation Board:

- a. Approving entering into an agreement with Atlasta Catering Service for catering services at Hohokam Stadium during Spring Training games for a term of three years, with the possibility of two additional one-year extensions at the City's sole option, to commence February 1, 2003 and terminate December 31, 2005.

It was moved by Mayor Hawker, that the recommendations of the Parks and Recreation Board to enter into an agreement with Atlasta Catering Service for catering services at Hohokam Stadium during Spring Training games for a term of three years, with the possibility of two additional one-year extensions at the City's sole option, be approved.

Mayor Hawker outlined a series of reasons why he made the motion for the City to enter into an agreement with Atlasta Catering Service. He stated that City staff developed and released a Request for Proposal (RFP) for the services; that a selection committee consisting of City staff and Parks and Recreation Boardmembers rated/evaluated the proposals based on seven criteria, none of which included preferential treatment for Mesa businesses; that in his review of the proposals, Atlasta Catering Service offers a wider variety of affordable menu options, and that as governmental officials, it is important that the members of the Council remain impartial in their analysis of this issue and do not begin a practice of favoring Mesa businesses over businesses located in other communities even if the non-Mesa businesses offer a superior proposal.

Councilmember Jones stated that he would reluctantly second Mayor Hawker's motion.

Councilmember Jones commented that although he would prefer to support a Mesa business, the RFP as written did not include language relative to preferential treatment for Mesa-based companies. He added that when staff develops RFPs in the future, if the Council provides direction relative to the inclusion of specific criteria concerning local preference, then such language can be clearly stated and understood by all parties submitting proposals.

Discussion ensued relative to the City of Phoenix's preference policy; the fact that on commodities contracts wherein Phoenix will pay sales tax, Phoenix vendors receive a preference in the amount of the applicable sales tax; that in a service contract (such as this agenda item), there would be no preference granted under the City of Phoenix policy, and that none of the other Valley cities currently have a policy in place relating to service contracts.

Councilmember Thom said that this has been a difficult decision for the entire Council, and concurred with Mayor Hawker's comments that the issue of a local preference was not addressed in the RFP. She commented that she is impressed by the fact that the City of Mesa has never received any complaints regarding Arizona Catering's service, and added that she would have preferred that the term of the contract be limited to one year.

In response to a question from Councilmember Thom, City Attorney Debbie Spinner advised that although Arizona Catering has no unresolved issues with regards to its contract with Hohokam Stadium, the City just recently reached an agreement with the company relative to an outstanding balance owed to the City for catering services performed at the Centennial Center.

Councilmember Whalen expressed opposition to the motion and commented that in speaking with representatives of the Chicago Cubs organization, he was told that Arizona Catering has provided exceptional service during the period of its agreement with the City. He stated the opinion that Arizona Catering's menu options are more appropriate for guests attending a baseball game at Hohokam Park and added that it is important that the City remains loyal to those businesses that have provided excellent service throughout the community.

Councilmember Griswold said that in reviewing both proposals, he was pleased to learn that Arizona Catering and Atlasta Catering were both qualified to provide the high level of service that the customers at Hohokam Park have come to expect.

Mayor Hawker stated that although he appreciates Councilmember Whalen's comments regarding business loyalty, it is also important to weigh the overall impact of the seven criteria outlined on the RFP. He noted that it is the recommendation of the selection committee that the City enter into an agreement with Atlasta Catering Service and said that he agrees with that recommendation.

Councilmember Walters commented that the recommendation of the selection committee was not unanimous, and that in her opinion, the Council should have the discretion to disagree with the recommendations presented by various committees and boards. She stated that based on the comments from representatives of the Chicago Cubs relative to the fact that Arizona Catering has provided exceptional service and because she too believes in business loyalty, she will oppose the motion. Councilmember Walters clarified that her decision and vote does not have anything to do with the issue of preferential treatment for Mesa businesses.

Vice Mayor Kavanaugh expressed opposition to the motion. He commented that over the last several months, there have been instances when the Council has used its discretion and not concurred with recommendations provided by members of various citizen advisory boards and committees. Vice Mayor Kavanaugh noted that with regard to this particular issue, each of the members of the selection committee made a subjective determination and recommendation and that it is now the prerogative of the Council to do the same.

Discussion ensued relative to the manner in which the selection committee evaluated the proposals submitted by Arizona Catering and Atlasta Catering.

Upon tabulation of votes, it showed:

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

Mayor Hawker declared the motion failed.

It was moved by Vice Mayor Kavanaugh, seconded by Councilmember Whalen, that the City of Mesa enter into an agreement with Arizona Catering under the same terms and conditions as outlined in the proposal with Atlasta Catering.

Upon tabulation of votes, it showed:

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

Mayor Hawker declared the motion carried by majority vote.

6.2 Consider the following recommendations from the Finance Committee:

- \*a. Approving the Comprehensive Annual Financial Report of the City of Mesa for fiscal year ended June 30, 2002.
- \*b. Moved to Item #6e, #6f, #6g and #6h.

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

- \*a. **Z02-37** The northwest corner of Broadway and 63<sup>rd</sup> Street (1± acre). Rezone from OS to OS P.A.D. This case involves a Planned Area Development (P.A.D.) overlay district to facilitate individual ownership of an existing building, Robert Scharber, owner; Paul Devers, applicant – Ordinance No. 4040.

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

1. Compliance with the basic development as constructed and as approved with case Z01-65.
  2. Compliance with all City development codes and regulations.
  3. Compliance with all requirements of the Development Services Department (Engineering, Traffic Engineering, Solid Waste and Facilities, etc.).
- \*b. **Z02-38** The 100, 200 and 300 blocks of North Fraser Drive West, North Fraser Drive and North Fraser Drive East (42.22± acres). Rezone from R-2, R-3 and R1-9 to R-2 HP, R-3 HP, and R1-9 HP. This case involves an Historic District (H.P.) overlay of the Fraser Fields subdivision. Various, owner; City of Mesa, applicant – Ordinance No. 4041.

P&Z Recommendation: Approval with conditions (vote passed 6-1 Esparza, nay)

- \*c. **Z02-39** The 7500 block of East Broadway, south side (2.14± acres). Rezone from OS to C-1 and Site Plan Modification. This case involves the development of office buildings. Louis Greco, owner; Vince Di Bella; Saemish Di Bella Architects, applicant – Ordinance No. 4042.

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

1. Compliance with the basic development as described in the project narrative and as shown on the site plan and elevations submitted, (without guarantee of lot yield, building count, lot coverage) except as noted below.
2. Compliance with all City development codes and regulations unless otherwise waived through a Development Incentive Permit or a variance granted through the Board of Adjustment.
3. Compliance with all requirements of the Development Services Department (Engineering, Traffic Engineering, Solid Waste and Facilities, etc.).
4. Dedicate the right-of-way required under the Mesa City Code at the time of application for a building permit, at the time of recordation of the subdivision plat, or at the time of the City's request for dedication, whichever comes first.
5. All street improvements and perimeter landscaping to be installed in the first phase of construction.
6. Compliance with all requirements of the Design Review Board.
7. Compliance with the following terms of the Citizen Participation Report (subsection b) from Vince Di Bella dated Nov. 12, 2002; this letter is incorporated into the ordinance by reference:
  1. Every effort will be made to salvage or transplant existing (Palo Verde) tree. The tree will need to be evaluated prior to the beginning of any site work to determine whether the tree could survive transplanting.
  2. Wood fence along south property line will be replaced with a concrete block fence wall (6'-0" high). Height of wall will be coordinated to provide visual security desired balanced with the height of the wall. The south elevation of the building along the property line utilizes ribbon windows with a sill height of 7'-0" to provide natural light into the facility, but limits direct view to the south property line.
  3. Rodent population (gophers) in this area is high and further aggravated with the disturbance of soil. The developer will try to mitigate the disturbance of this area and control migration of rodent population.
  4. Site parking lot lighting will be minimized by directing lighting away from the residential area and limiting the height of the light fixture to 20'-0" above finished grade.

8. Retention basins to be 6:1 slopes maximum when adjacent to public rights-of-way or pedestrian walkways.

\*d. **Z02-40** The northwest corner of Stapley Drive and Inverness Avenue (1.6+ acres). Site Plan Modification. This case involves the development of a Chick-fil-A restaurant. Equilon Enterprises, L.L.C., owner; Susan Stewart, L.E.A.D.S., applicant – Ordinance No. 4043.

P&Z Recommendation: Approval with conditions (vote passed 6-0).

1. Compliance with the basic development as described in the project narrative and as shown on the revised site plan and elevations submitted, (without guarantee of lot coverage) except as noted below.
2. Compliance with all City development codes and regulations.
3. Compliance with all requirements of the Development Services Department (Engineering, Traffic Engineering, Solid Waste and Facilities, etc.)
4. Compliance with all requirements of the Design Review Board, including landscaping, pedestrian connections and elevations.
5. Compliance with all conditions of a Substantial Conformance Improvement Permit.

8. Items from citizens present.

There were no items from citizens present.

9. Adjournment.

Without objection, the Regular Council Meeting adjourned at 7:10 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 3<sup>rd</sup> day of February 2003. I further certify that the meeting was duly called and held and that a quorum was present.

\_\_\_\_\_  
BARBARA JONES, CITY CLERK