



COUNCIL MINUTES

May 20, 2002

The City Council of the City of Mesa met in a Regular Council Meeting in the Council Chambers, 57 East 1st Street, on May 20, 2002 at 5:45 p.m.

COUNCIL PRESENT

Mayor Keno Hawker
Jim Davidson
Bill Jaffa
Dennis Kavanaugh
Pat Pomeroy
Claudia Walters
Mike Whalen

COUNCIL ABSENT

None

OFFICERS PRESENT

Mike Hutchinson
Debbie Spinner
Barbara Jones

Invocation by Councilmember Pat Pomeroy.

The Pledge of Allegiance was led by Sean Dhoostelaere, Zach Steveson, Brian Bacon, David Copp and Andrew Waltz, Boy Scout Troop # 616.

Mayor Hawker welcomed everyone to the meeting.

Presentation of the 2002 Historic Preservation Awards.

Victor Linhoff, Chairman of the Historic Preservation Committee, with the assistance of Vice Mayor Davidson, presented the selected recipients with their 2002 Historic Preservation Awards.

Presentation of plaques to citizens ending their service on the City's citizen advisory boards and committees.

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

1. Consider all consent agenda items.

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

Carried unanimously.

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

Minutes from the May 6 and 9, 2002 Council meetings.

3. Conduct a public hearing on the 2002/2003 annual assessments for Mesa Town Center Improvement District No. 228. (see item no. 7e).

Mayor Hawker declared a potential conflict of interest and refrained from discussion/participation in this agenda item.

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

Vice Mayor Davidson announced that this is the time and place for a public hearing regarding the 2002/2003 annual assessments for Mesa Town Center Improvement District No. 228.

Paul McKee, 133 West 1st Avenue, President of the Mesa Town Center Corporation (MTCC), addressed the Council relative to this agenda item. He commented that the MTCC appreciates its partnership with the City of Mesa and added that in the upcoming fiscal year, it looks forward to working with the property owners, the Council and staff on a variety of projects to further enhance the downtown area.

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

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

4. Consider the following liquor license applications:

*a. CHARLES B. MCCONNELL, AGENT

Wholesaler License for Little Guy Distributing Inc., 146 S. Country Club Drive. This is an existing building. No previous liquor licenses at this location.

*b. CHHAVINDER S. SARNA, INDIVIDUAL

New Beer and Wine Store License for Arco AM/PM #82018, 320 E. Baseline Road. This is an existing business. The license previously held at this location by Hagop Kofdarali, Agent, will revert back to the State.

*c. MARCIA K. FISHER, AGENT

New Restaurant License for Marcia's Long Wongs, 205 N. Country Club Drive. This is an existing business. No previous liquor licenses at this location.

*d. KYAE HWA WOO, AGENT

New Restaurant License for Ichi Ban Japanese Restaurant, 2015 S. Alma School Road. This is an existing business. The license previously held at this location by Ki Kyun Pak, Individual, will revert back to the State.

*e. JOHN V. BERRY, ETAL

New Restaurant License for Saltgrass Steak House, 1644 S. Val Vista Drive. This is a new building currently under construction. No previous liquor licenses at this location.

5. Consider the following contracts:

*a. Two-year renewal of the supply contract for construction materials used by Street Maintenance, Utility Construction, Electric, Parks Maintenance and other departments.

The Purchasing Division recommends exercising the two-year renewal with the original bidders who offered the lowest overall total as follows:

Primary Contracts for Zone A & B:

Zone A:

A & A Materials, Inc. for Groups I and part of Group II (misc. rock products and decorative granite) at \$57,426.88 plus 7.7% sales tax of \$4,421.87 for a total of \$61,848.75.

Red Mountain Mining for part of Group II (decorative granite) at \$20,500.00 plus 7.8% sales tax of \$1,599.00 for a total of \$22,099.00.

Vulcan Materials – CalMat Division for Group III and part of Group IV (concrete & hot mix asphalt products) at \$424,457.50 plus 8.1% sales tax of \$34,381.06 for a total of \$458,838.56.

Mesa Materials for part of Group IV (cold mix asphalt products) at \$14,060.00 plus 7.8% sales tax of \$1,096.68 for a total of \$15,156.68.

The combined award for Zone A contracts is \$557,942.99 based on estimated requirements.

Zone B:

A & A Materials, Inc. for Groups I and part of Group II (misc. rock products and decorative granite) at \$63,361.80 plus 7.7% sales tax of \$4,878.86 for a total of \$68,240.66.

Red Mountain Mining for part of Group II (decorative granite) at \$19,562.50 plus 7.8% sales tax of \$1,525.88 for a total of \$21,088.38.

Vulcan Materials – CalMat Division for Group II and part of Group IV (concrete & hot mix asphalt products) at \$194,787.50 plus 8.1% sales tax of \$15,777.79 for a total of \$210,565.29.

Mesa Materials, Inc. for part of Group IV (cold mix asphalt products) at \$12,810.00 plus 7.8% sales tax of \$999.18 for a total of \$13,809.18.

The combined award for Zone B contracts is \$313,703.51.

The combined award for Zones A and B is \$871,646.50 based on estimated requirements.

Secondary Contract for Zone A & B:

In order to assure continuity of supply, the following vendors are recommended as secondary suppliers, to be called when the primary supplier is unable to fill a particular order or when the plant location is more convenient for materials pickup:

Zones A & B:

Fort McDowell Sand & Gravel for Group I; A & A Materials, Inc. for Group II; and Mesa Materials, Inc. for Group IV.

- *b. Replacement of convention and theater chairs for the Centennial Center.

The Purchasing Division recommends authorizing purchases totaling \$97,112.07 from a cooperatively bid contract established by the Maricopa Community College District (MCCD) with Walsh Brothers.

- *c. Two-year contract for custodial services for parks restrooms as requested by the Parks and Recreation Division.

The Purchasing Division recommends accepting the low bid by Speedi-Clean Janitorial, Inc. at \$150,000.00 based on estimated annual requirements.

- *d. Two-year supply contract for drafting print paper as requested by the Engineering Division.

The Purchasing Division recommends accepting the overall low bid as follows:

Sections A – D to Media Paper Company at \$56,891.82 based on estimated requirements.

In order to assure continuity of supply, it is also recommended to award secondary contracts as follows: Sections A, C and D to ScottBlue Reprographics, and Section B to Thomas Reprographics.

- *e. Upgrade to the Employee Benefits Claims Processing System, as requested by the Information Services Division (ISD).

The Purchasing Division recommends accepting the only bid from FACTS Services, Inc. for software totaling \$47,250.00. **(Sole Source)**

- *f. One utility vehicle for the Police Department. This vehicle is an addition to the fleet.

The Purchasing Division recommends authorizing purchase from the State of Arizona contract with Five Star Ford for a total of \$27,968.23.

- *g. Two-year renewal of the contract for repair and maintenance of police vehicles as requested by Fleet Support Services.

The Purchasing Division recommends exercising the two-year renewal option with Hub's Auto Clinic for annual expenditures estimated at \$670,000.00.

- *h. Two-year supply contract for fertilizers as requested by the Parks & Recreation Division.

The Purchasing Division recommends accepting the low bids as follows:

Items 1, 2, 3 and 5 to Fertizona Casa Grande LLC at \$89,554.87;

Items 4 and 8 to Vopak USA pps at \$20,397.80;

Items 6 and 7 to Ewing Irrigation at \$13,077.92; and

Item 10 to Global Organics at \$18,494.93.

The combined award is then \$141,525.52 based on estimated requirements.

- *i. 1,500,000.00 utility bills/envelopes as requested by the Printing & Graphics Services Division.

The Purchasing Division recommends purchasing an additional purchase option from RFB #2001218 with the original low bidder by Tension Envelope at \$30,759.12 including applicable sales tax.

- *j. One bunker rake as requested by the Parks & Recreation Division.

The Purchasing Division recommends authorizing purchase from the State of Arizona contract with Arizona Machinery Company at \$10,030.79.

- k. Enid Park Improvements. City of Mesa Project No. 00-74.

This project will improve the park through the construction of a new playground, a basketball court, lighting, two ramadas and miscellaneous picnic and park furnishings.

Recommend award to low bidder, Nickle Contracting, LLC, in the amount of \$274,497.50 plus an additional \$27,449.75 (10% allowance for change orders) for a total award of \$301,947.25.

Mayor Hawker declared potential conflicts of interest on agenda items **5k, 5l, 5n, 5p, and 5r (see below)** and refrained from discussion/participation in these agenda items.

Mayor Hawker yielded the gavel to Vice Mayor Davidson for action on the above-referenced agenda items.

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

Upon tabulation of votes, it showed:

AYES - Davidson-Jaffa-Kavanaugh-Pomeroy-Walters-Whalen
NAYS - None
ABSTAIN - Hawker

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

- l. 1999/2000 Arterial and Collector Overlay/Reconstruction Project Phase II. City of Mesa Project No. 00-88.1.

This project will reconstruct a section of Inverness Avenue between Val Vista Drive and 39th Street, and will mill and overlay McKellips Road between Greenfield Road and Higley Road. The areas are shown on the attached Exhibit "A."

Recommend award to low bidder, J. Banicki Construction, in the amount of \$578,078.75 plus an additional \$57,807.88 (10% allowance for change orders) for a total award of \$635,886.63.

It was moved by Councilmember Pomeroy, seconded by Councilmember Kavanaugh, that the recommendations of staff be approved.

Upon tabulation of votes, it showed:

AYES - Davidson-Jaffa-Kavanaugh-Pomeroy-Walters-Whalen
NAYS - None
ABSTAIN - Hawker

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

- *m. Kino Pool Improvements. City of Mesa Project No. 02-022.

This project will repair the interior surface finish of the pool at Kino Jr. High School, which has reached the end of its service life.

Recommend award to low bidder, Shasta Industries Inc., dba Shasta Pools, in the amount of \$109,500.00 plus an additional \$10,950.00 (10% allowance for change orders) for a total award of \$120,450.00.

- n. 2002 Residential Overlays. City of Mesa Project No. 01-841-001.

This project will mill and overlay over 63,000 square yards of residential street pavement, rehabilitating all of the residential streets in the area bounded by Main, Stapley, University and Horne. The area is shown on the attached Exhibit "A."

Recommend award to low bidder, Hunter Contracting Company, in the amount of \$753,062.50 plus an additional \$75,306.25 (10% allowance for change orders) for a total award of \$828,368.75.

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

Councilmember Walters commented that Mesa has a number of streets in disrepair, and noted that this contract will address several areas of the City which are in the most dire need of pavement maintenance.

Councilmember Kavanaugh concurred with Councilmember Walters' comments. He explained that although the installation of fiber optic cable is necessary to provide broadband communications accessibility for Mesa businesses and residents, it will necessitate an increase in "street cuts" to implement such services. He added that as a result, Mesa residents can expect to see this type of pavement maintenance contract with greater frequency in the future.

Upon tabulation of votes, it showed:

AYES - Davidson-Jaffa-Kavanaugh-Pomeroy-Walters-Whalen
NAYS - None
ABSTAIN - Hawker

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

- o. South Center Complex Parking Lot Improvements. City of Mesa Project No. 00-51.4.

In this project, a parking lot will be constructed, including lighting and landscaping, where buildings have been demolished under previous contracts. In addition, this project will

remove and replace concrete sidewalk near the Human Resources building to alleviate a drainage problem.

Recommend award to low bidder, Nickle Contracting LLC, in the amount of \$332,322.00 plus an additional \$33,232.20 (10% allowance for change orders) for a total award of \$365,554.20. **(THIS ITEM WAS DELETED FROM THE CONSENT AGENDA.)**

- p. High Pressure Gas Main for Transit Maintenance Facility RWCD Canal from Baseline Road to Greenfield Road, and Greenfield Road from RWCD Canal to McDowell Road. City of Mesa Project No. 01-118.

This project constructs approximately 30,000 linear feet of 8-inch coated steel gas main, 5,700 linear feet of 6-inch coated steel gas main, 5,700 linear feet of 6-inch coated steel gas main and related natural gas appurtenances needed to supply the transit maintenance facility with an adequate level of natural gas to perform high-speed CNG bus refueling, as well as to supply a CNG fueling station for City vehicles. This gas line will also strengthen our gas distribution system to serve other customers in the area. Additionally, this project installs 34,000 linear feet of E-Streets conduit and vault infrastructure (9 vaults and 43 manholes) in support of the East Mesa Loop.

Recommend award to low bidder, KR Swerdfeger, in the amount of \$2,183,737.64 plus an additional \$218,373.76 (10% allowance for change orders) for a total award of \$2,402,111.40. Funding is available from Gas Bonds approved in the FY 01/02 budget. Since the project costs will occur over two fiscal years, the balance of funds needed in FY 02/03 has been added to the FY 02/03 revised budget. The project also contains an E-Streets component that will be funded from General Fund Lease-Purchase financing (\$874,762.00).

E-Streets and Licensing Director Dan Brewer provided the Council with a brief overview of this agenda item.

It was moved by Councilmember Jaffa, seconded by Councilmember Whalen, that the recommendations of staff be approved.

Upon tabulation of votes, it showed:

AYES - Davidson-Jaffa-Kavanaugh-Pomeroy-Walters-Whalen
NAYS - None
ABSTAIN - Hawker

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

- *q. Public Safety Training Site Auditorium Audio/Visual System Installation. City of Mesa Project No. 00-15.1.

This project completes the auditorium through installation of an audio/visual system including projection screens, data projectors, presenter's lectern, audio/visual devices (CD player, VCR, computer, overhead projector), and the control system to integrate the

audio/visual system with the building lighting and sound systems. Also included are two multi-media carts specifically equipped for use in the adjacent classrooms, which are integrated into the overall presentation and control systems.

Recommend award to low bidder, Media Consultants Systems Integrators, in the amount of \$215,319.83 plus an additional \$21,531.98 (10% allowance for change orders) for a total award of \$236,851.81.

- r. Augusta Ranch Park. City of Mesa Project No. 01-43.

Augusta Ranch Park is a new neighborhood park bordering Naranja and Neville Avenues. The project includes the construction of a playground, a basketball court, park lighting, three ramadas, open turf area, paths and miscellaneous picnic and park furnishings.

Recommend award to low bidder, Nickle Contracting, LLC, in the amount of \$712,460.25 plus an additional \$71,246.03 (10% allowance for change orders) for a total award of \$783,706.28.

Parks and Recreation Director Joe Holmwood provided the Council with a brief overview of this agenda item.

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

Upon tabulation of votes, it showed:

AYES - Davidson-Jaffa-Kavanaugh-Pomeroy-Walters-Whalen
NAYS - None
ABSTAIN - Hawker

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

With action on the above-agenda items being completed, Vice Mayor Davidson yielded the gavel back to Mayor Hawker.

6. Introduction of the following ordinances and setting June 3, 2002 as the date of public hearing on these ordinances:

- *a. **Z02-11** NEC of Falcon Drive and McKellips Road. Site Plan Review (2.1 ac). This case involves the development of a pub/restaurant.
- *b. **Z02-12** The 10200 block of E. University Drive (south side). Rezone from R1-43 to R1-7 PAD (11.4 ac). This case involves the development of a residential subdivision.

- *c. **Z02-14** The northeast corner of Greenfield Road and Inverness Avenue. Site Plan Modification (6.9 ac). This case involves the development of two shops and one pad site in a retail center.
- *d. **Z02-15** The southwest corner of Southern Avenue and Greenfield Road. Rezone from AG to C-2 (5.3 ac). This case involves the development of a pharmacy.
- *e. **Z02-17** The 3000 to 3100 block of S. Hawes Road (east side). Rezone from R1-43 to R-2 PAD (11.2 ac). This case involves the development of a residential subdivision.

7. Consider the following resolutions:

- *a. Authorizing the City Manager to execute on Intergovernmental Agreement between the City of Mesa and the Town of Queen Creek for the cooperative use of auctions to dispose of surplus property – Resolution No. 7833.
- *b. Extinguishing a drainage easement over “Tract A” in LEHI SHADOWS TWO – Resolution No. 7834.

This drainage easement is no longer required.
- c. A resolution approving the use of Scalloped Street Assessment Laws on a City project that is proposing to install street improvements along portions of the north and south side of East Thomas Road from North 56th Street to Recker Road and along the west half of North Recker Road from Thomas Road to the south 3,219 feet plus or minus (City of Mesa Project No. 00-86).

Mayor Hawker advised that the Council inadvertently approved this item on the consent agenda despite the fact that a citizen had submitted a Speaker/Comment Card to address the Council regarding the matter.

In response to questions posed by Mayor Hawker, City Attorney Debbie Spinner clarified that if a Councilmember wanted the Council to reconsider this issue, it would be appropriate for the Councilmember to make a motion to that effect and the item could then be considered at tonight’s meeting.

It was moved by Vice Mayor Davidson, seconded by Councilmember Pomeroy, that the Council reconsider agenda item 7c.

Upon tabulation of votes, it showed:

AYES - Hawker-Davidson-Jaffa-Kavanaugh-Pomeroy-Walters
NAYS - Whalen

Mayor Hawker declared the motion carried by majority vote.

Marc Devon, 5555 E. Thomas Road, the property owner, addressed the Council relative to a variety of concerns regarding the use of the Scalloped Street Assessment Laws which permit the City to assess him the cost of street improvements along his property which fronts Thomas Road.

City Engineer Keith Nath responded to a series of questions by Council and provided a brief overview of the Scalloped Street Assessment Laws.

City Manager Mike Hutchinson stated that due to the complexity of this matter, it is his recommendation that staff be provided additional time to resolve all issues with Mr. Devon and that this agenda item be continued until the June 3, 2002 Regular Council Meeting.

It was moved by Councilmember Jaffa, seconded by Councilmember Pomeroy, that agenda item 7c be continued until the June 3, 2002 Regular Council Meeting.

Upon tabulation of votes, it showed:

AYES - Hawker-Jaffa-Kavanaugh-Pomeroy-Walters-Whalen
NAYS - Davidson

Mayor Hawker declared the motion carried by majority vote.

- *d. A resolution approving the use of Scalloped Street Assessment Laws on a City project that is proposing to install street improvements along portions of the north and south side of East McDowell Road from Higley Road to Power Road and along the west side of North Recker Road from McDowell Road to the north 2,062 feet plus or minus (City of Mesa Project No. 01-005) – Resolution No. 7835.
- e. A resolution approving the 2002/2003 annual assessments for the Mesa Town Center Improvement District No. 228 – Resolution No. 7836.

This district provides enhanced municipal services for the Mesa Town Center.

Mayor Hawker, Councilmember Pomeroy and Councilmember Jaffa declared potential conflicts of interest and refrained from discussion/participation in this item.

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

It was moved by Councilmember Walters, seconded by Councilmember Whalen, that Resolution No. 7836 be adopted.

Upon tabulation of votes, it showed:

AYES - Davidson-Kavanaugh-Walters-Whalen
NAYS - None
ABSTAIN - Hawker-Jaffa-Pomeroy

Vice Mayor Davidson declared the motion carried unanimously by those voting and Resolution No. 7836 adopted.

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

- f. Granting a power distribution easement to Salt River Project at Skyline Park – Resolution No. 7837.

This easement is to provide power to Skyline Park Improvements.

Vice Mayor Davidson declared a potential conflict of interest and refrained from discussion/participation in this agenda item.

It was moved by Councilmember Kavanaugh, seconded by Councilmember Whalen, that Resolution No. 7837 be adopted.

Upon tabulation of votes, it showed:

AYES - Hawker-Jaffa-Kavanaugh-Pomeroy-Walters-Whalen
NAYS - None
ABSTAIN - Davidson

Mayor Hawker declared the motion carried unanimously by those voting and Resolution No. 7837 adopted.

- g. Adopting an area land use plan for the area south of Williams Gateway Airport – Resolution No. 7838.

Z01-29 Generally Power Road to Ellsworth Road and Pecos Road to Germann Road. Consideration of an Area Plan (2½ ± sections). Various, owners; City of Mesa, applicant.

P&Z Recommendation: Approval with conditions (Vote: Passed 6-0-1)

1. Review and approval by the Planning and Zoning Board, Design Review Board, and City Council of all future development plans.
2. All future development to be restricted as documented in the letters from Circle G Development – T. Dennis Barney (March 29, 2002), Trio Forest Products – Jerry Lilly (March 27, 2002), and Aircom Industrial Park – Ralph Pew (April 3, 2002).
3. All future development shall be consistent with land uses designated in the adopted Mesa General Plan.
4. All future development in this area shall be subject to the following general conditions, to be considered during the actual rezoning process:
 - a) Minimum development area of ten (10) acres.
 - b) Submittal for review of CC&Rs to address various issues, including land uses, property maintenance, landscaping, etc.

- c) Submittal of detailed site plan, landscape plan and building elevations in accordance with the Mesa Zoning Ordinance.
- d) Submittal of project design guidelines, if necessary.
- e) Provision for all required infrastructure (including, but not necessarily limited to, street, water, sewer, fire protection, solid waste and fire protection).
- f) Compliance with all requirements of the Mesa Zoning Ordinance.

Councilmember Jaffa declared a potential conflict of interest and refrained from discussion/participation in this agenda item.

It was moved by Councilmember Whalen, seconded by Councilmember Kavanaugh, that Resolution No. 7838 be adopted.

Upon tabulation of votes, it showed:

AYES - Hawker-Davidson-Kavanaugh-Pomeroy-Walters-Whalen
NAYS - None
ABSTAIN - Jaffa

Mayor Hawker declared the motion carried unanimously by those voting and Resolution No. 7838 adopted.

8. Consider the following ordinances:

- *a. Prohibiting parking from 8:00 a.m. to 4:00 p.m. on school days on the south side of Fountain Street from a point 100 feet east of 26th Street to a point 185 feet east of 26th Street, reducing the speed limit from 40 mph to 35 mph on Mesa Drive from a point 620 feet north of Eighth Street to Brown Road; and including Mesquite Canyon from Guadalupe Road to Canyon Rim and Canyon Rim from Mesquite Canyon to a point 413 feet south of Plana Avenue in Section 10-3-17 of the Mesa City Code, "Special Stops Required," as recommended by the Transportation Advisory Board – Ordinance No. 3986.
- *b. Moved to Item No. 7g.

9. Consider the following resolution and ordinance:

- a. Adopting Title 11, Chapters 14 and 15 of the Mesa City Code; and making Title 11, Chapters 14 and 15 of the Mesa City Code known as Design Guidelines and Site Development Design Standards of the Zoning Ordinance – Resolution No. 7839 and Ordinance No. 3987.

Karrin Taylor, 11201 North Tatum Boulevard, Phoenix, an attorney representing Wal-Mart, addressed the Council relative to this agenda item. She explained that over the last eight months, her firm has been actively involved in the Design Guidelines review process and has offered a variety of comments and suggestions which have been incorporated into the document. She also commended staff for their efforts and hard work to create a document that

will be acceptable to the City as well as the development community. Ms. Taylor requested that staff give further consideration to several issues including landscaping within parking islands, the number of parking spaces which can be clustered together, and the delayed implementation language contained in the ordinance. She also noted that the ordinance contains a typographical error at Section 5, 1(a) with reference to Section 304.3 of the 1994 Uniform Administrative Code and suggested that the correct citation is Section 304.4.

Maeve Johnson, 4520 North 20th Street, Phoenix, Executive Director of Valley Partnership, addressed the Council relative to this agenda item. She expressed a series of concerns relative to the Design Guidelines as currently written and urged the Council to postpone action on this matter until after June 5th when the Design Review Board is scheduled to review the proposed document.

In response to a series of questions from Mayor Hawker, Planning Director Frank Mizner clarified that the purpose of this agenda item is to seek Council adoption of the proposed Design Guidelines; that under the Mesa City Charter, an ordinance which has been introduced previously cannot be amended; that staff has made a commitment to the Council as well as the development community to meet with the Design Review Board on June 5th to address a variety of issues including parking lot landscaping and foundation landscaping, and if necessary, to return to the Council with amendments to the document, and that it is the recommendation of staff that the Council proceed with the adoption of the ordinance.

Councilmember Kavanaugh stated that it is in the best interest of the City that the Council proceed forward with the adoption of the Design Guidelines ordinance. He added that staff has made a good faith commitment to address the final substantive issues with the Design Review Board and that the Council will be given the opportunity to consider amendments to the guidelines in the future.

In response to a question from Councilmember Kavanaugh, City Attorney Debbie Spinner advised that due to the fact that a specific Code provision has been misidentified in the ordinance, the Council may elect to adopt the present ordinance and subsequently reintroduce a new ordinance to correct the error, or not approve the ordinance at this time and reintroduce it with the correct Code provision at a future meeting.

It was moved by Councilmember Kavanaugh, seconded by Councilmember Walters, that Resolution No. 7839 and Ordinance No. 3987 be adopted.

Councilmember Walters concurred with Councilmember Kavanaugh's comments.

In response to a question from Councilmember Walters, Mr. Mizner stated that in his opinion, the proposed Design Guidelines represent a good faith effort on the part of many qualified parties, but added that staff will benefit from the input of the Design Review Board and the development community.

Vice Mayor Davidson concurred with the comments of the other Councilmembers.

Councilmember Jaffa expressed opposition to the motion and noted that because the development community is already complying with the proposed Design Guidelines, it would be

appropriate to delay the adoption of the ordinance until a future date. He also voiced concerns relative to the provision contained in the document that an applicant must obtain a building permit within 180 days of filing construction plans.

Councilmember Pomeroy voiced support for the motion and urged the members of the Council to proceed with the adoption of the ordinance.

Discussion ensued relative to the purpose of the Technical Subcommittee; the fact that the Design Guidelines apply to all nonresidential development, and the fact that although the Design Guidelines will increase the cost of new development in Mesa, they are intended to provide for new development in the City which will be on the same level as that occurring in neighboring communities.

In response to a series of questions from Mayor Hawker, Ms. Spinner clarified that due to the fact that a new ordinance does not take effect for a period of 30 days, if the proposed ordinance is approved by Council this evening, it will be in effect for a short period of time with an incorrect provision. Mr. Mizner added that the proposed ordinance would be in effect for approximately 15 days before a new ordinance would take effect.

Upon tabulation of votes, it showed:

AYES - Hawker-Davidson-Kavanaugh-Pomeroy-Walters
NAYS - Jaffa-Whalen

Mayor Hawker declared the motion carried by majority vote and Resolution No. 7839 and Ordinance No. 3987 adopted.

*10. Consider a notice of intention setting June 24, 2002 as the date for the public hearing to revise water, irrigation, wastewater, natural gas and solid waste rates, rate components, fees and/or service charges.

10.1 Consider the following recommendations from the Transportation Committee:

- *a. Approving Option 1 to proceed with the Val Vista Drive Widening, Phase II, McKellips Road to McDowell Road, and the South Canal to the Red Mountain Freeway.
- *b. Approving the design concept for landscaping and aesthetic enhancements for portions of the Red Mountain Freeway in the vicinity of the South Canal (Exhibit B) and approving the design concept for landform graphics for portions of the Red Mountain Freeway in the vicinity of the Val Vista Traffic Interchange (Exhibit C-3).
- c. Approving an expenditure of up to \$270,000 for bolt-on graphics at Dobson Road, Country Club Drive and Mesa Drive at the U.S. 60 overpasses.

Councilmember Walters, a member of the Transportation Committee, reported that at the May 13th Committee meeting, she voted in support of recommending that the Council approve the implementation of bolt-on graphics at Dobson Road, Country Club Drive and Mesa Drive. She noted, however, that upon further reflection relative to the City's currently budget shortfall and

after discussing the issue with Councilmember Kavanaugh, she would prefer that the artwork be installed at the Dobson Road overpass only. Councilmember Walters stated that in addition to the cost savings to the City, it would provide the Council with the opportunity to discern whether the freeway enhancement is visually pleasing and if it would be appropriate to incorporate such a design at other bridge locations within Mesa.

It was moved by Councilmember Walters, seconded by Councilmember Kavanaugh, that the expenditure of up to \$90,000 for the implementation of bolt-on graphics at Dobson Road at the U.S. 60 overpass, be approved.

Councilmember Kavanaugh concurred with Councilmember Walters' comments and noted that the bolt-on graphics is a unique approach to public art. He added that this design concept began as a suggestion by Mayor Hawker that the bridge overpasses be utilized in some manner to display freeway enhancements.

Councilmember Pomeroy noted that although it was the original intent of the Transportation Committee to implement bolt-on graphics at the Dobson Road, Country Club Drive and Mesa Drive overpasses, he will support the motion to move the project forward. He added that the cost savings realized by implementing only the Dobson Road overpass graphics will provide additional funding for necessary street improvements within the City.

Mayor Hawker expressed support for the motion and also voiced appreciation for the efforts and hard work of the Dobson Ranch Homeowners' Association relative to this matter.

Councilmember Whalen voiced opposition to the motion and stated the opinion that it would be more appropriate to utilize the Highway User Revenue Fund (HURF) Bonds for street improvements as opposed to freeway art enhancements. He added that he receives telephone calls on a daily basis from Mesa residents questioning why City streets are in disrepair.

Vice Mayor Davidson, as Chairman of the Transportation Committee, noted that at the May 13th meeting, he voted in opposition to this agenda item and said he will continue to maintain that position. He commented that although the HURF Bonds are specifically earmarked for freeway artwork enhancements, it is ironic that Mesa continues to experience difficulty in obtaining a commitment from the Arizona Department of Transportation (ADOT) relative to maintaining the landscaping on the East Valley's newly constructed freeway segments.

In response to the concerns expressed by Vice Mayor Davidson, Councilmember Walters advised that at a recent gathering, she was informed by State Representative Dean Cooley that ADOT will fund the cost of landscape maintenance on Mesa's newly constructed freeway segments.

Upon tabulation of votes, it showed:

AYES - Hawker-Kavanaugh-Pomeroy-Walters
NAYS - Davidson-Jaffa-Whalen

Vice Mayor Davidson declared the motion carried by majority vote.

11. Consider the following subdivision plat:

- *a "TIERRA ANTIGUA," – (Council District 5) – 300 block of North 75th Street (east side) 1 R-4 lot (8.15 ac.) Brisben Development, owner; Knudsen-Smith Engineering, Inc., engineer.

12. Election issues.

Mayor Hawker announced that a runoff (General) election will be held May 21, 2002 to elect a Councilmember in District 5. He said that the two candidates seeking election in that district are Rex Griswold and Councilmember Bill Jaffa, and he urged the citizens in District 5 to cast an educated vote on Election Day.

In response to a question from Councilmember Kavanaugh, City Clerk Barbara Jones explained that a large number of early ballots have already been returned to the City Clerk's Office. She encouraged registered voters in District 5 to come to the polls on May 21 and added that citizens who have already received early ballots may drop them off at any polling place in District 5 on Election Day. Ms. Jones also stated that the election results will be displayed in the Upper Level Council Chambers and also on Mesa Channel 11 beginning at 8:00 p.m. on Election Day.

13. Items from citizens present.

There were no items from citizens present.

14. Adjournment.

Without objection, the Regular Council Meeting adjourned at 7:57 p.m.

KENO HAWKER, MAYOR

ATTEST:

BARBARA JONES, CITY CLERK

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the Regular Council Meeting of the City Council of Mesa, Arizona, held on the 20th day of May 2002. I further certify that the meeting was duly called and held and that a quorum was present.

BARBARA JONES, CITY CLERK