

COUNCIL MINUTES

August 16, 2004

The City Council of the City of Mesa met in a Regular Council Meeting in the Council Chambers, 57 East 1st Street, on August 16, 2004 at 5:50 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
Debbie Spinner

Invocation by Dr. Jim Adams, Cornerstone Church.

Pledge of Allegiance was led by Joseph Stark, Boy Scout Troop No. 359.

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 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 April 22, June 7, July 6 and July 12, 2004 Council meetings.

3. Conduct a public hearing and consider an amendment to the land use map for the following Minor General Plan Amendment and possible adoption of the corresponding Resolution:

- a. **GPMinor04-04 (District 6)** The 1900 to 2000 block of South Crismon Road (east side) and the 10000 to 10400 block of East Guadalupe Road (north side). Located on the southeast corner of Baseline Road and Crismon Road and the northeast corner of Guadalupe Road and Crismon Road (45 acres ±). Minor General Plan Amendment to reconfigure existing land use designations. Arizona State Land Department, owner; Catherine Balzano, applicant – Resolution No. 8301.

Mayor Hawker announced that this is the time and place for a public hearing regarding an amendment to the land use map for **GPMinor04-04**, the 1900 to 2000 block of South Crismon Road (east side) and the 10000 to 10400 block of East Guadalupe Road (north side).

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

It was moved by Councilmember Jones, seconded by Vice Mayor Walters, that Resolution No. 8301 be adopted.

Carried unanimously.

4. Consider the following liquor license applications:

*a. JOHN STIH, CHIEF EXECUTIVE OFFICER

Special Event License application of John Stih, Chief Executive Officer, Southeast Valley Regional Association of Realtors, a one-day fundraiser event to be held Friday, September 24, 2004, from 5:00 p.m. to 10:00 p.m. at 1363 S. Vineyard. District #3.

*b. MICHAEL JOSEPH BASHA, AGENT

Location Transfer Liquor Store for Bashas' #110, 1133 N. Ellsworth Road. This is new construction. This is a location transfer from Bashas' #90, 3901 E. Thunderbird Road, Phoenix. This license will transfer to the applicant. District #5.

*c. CLARE HOLLIE ABEL, AGENT

Person and Location Transfer Liquor Store for Wal-Mart Neighborhood Market #5349, 8335 E. Guadalupe Road. This is new construction. This is a person and location transfer from Lori Eshelman Boulter, Agent, Richmar Foods, Inc., at 1045 S. Gilbert Road, Mesa. This license will transfer to the applicant. District #6.

*d. JUAN RAUL PALACIO, AGENT

New Restaurant License for Los Portales Mexican Restaurant, 1245 W. Baseline Road, Suite 101. This is a new business. No previous liquor licenses at this location. District #3.

*e. BRUCE ALAN DUNLOP, AGENT

New Restaurant License for Manny's Original New York Deli & Restaurant, 2837 N. Power Road, Suite 102. This is new construction. No previous liquor licenses at this location. District #5.

5. Consider the following contracts:

- *a. Five-year tax-exempt lease for 800 MHz subscriber equipment to be purchased during FY 2004-05, as requested by Communications. The equipment includes portable and mobile radios, control stations and related items.

The tax-exempt lease purchase contract will be for \$5,150,000 at an estimated annual interest rate of 4%.

- *b. One replacement 35' aerial lift bucket truck, as requested by the Transportation Division.

The Purchasing Division recommends accepting the low bid by Equipment Technology, Inc. at \$68,222.93 including sales tax and extended warranty.

- *c. One replacement cable splice truck for the Transportation Division.

The Purchasing Division recommends accepting the low bid by Coachcraft Technologies at \$54,516.00 including options and applicable use tax.

- *d. Three-year supply contract for dual voltage pole top transformers, as requested by the Electric Division of the Utilities Department.

The Purchasing Division recommends accepting the bids with the lowest evaluated life cycle cost and also the lowest pricing as follows:

Items 1 and 2, their base bid, to Border States at \$37,325.58 including sales tax; and

Items 3 and 4, their alternate bid, to WESCO at \$32,096.59 including applicable use tax.

The combined award is then \$69,422.17.

- *e. Two-year renewal of the supply contract for landscape sprinkler parts and supplies for the Parks and Recreation, Building Facilities and Street Maintenance Divisions.

The Purchasing Division recommends exercising the two-year renewal as a dual award as follows:

Horizon, for orders to be picked up by City crews, for annual expenditures estimated at \$120,000.00; and

United Green Mark, for orders where delivery is required, for annual expenditures estimated at \$15,000.00. The combined award is then \$135,000.00.

- *f. One replacement tractor backhoe with front-end loader, as requested by the Parks and Recreation Division.

The Purchasing Division recommends accepting the lowest bid meeting minimum specification by R.D.O. Equipment Company at \$60,878.54 including sales tax and extended warranty.

- *g. One-year renewal of the supply contract for library reference books, as requested by the Mesa Public Library.

The Purchasing Division recommends exercising a one-year renewal with Gale Groups for annual purchases estimated at \$49,500.00. Also, exercising a one-year renewal with Ingram Library Services as a secondary contract for annual purchases estimated at \$5,500.00. The combined award is then \$55,000.00 based on estimated annual purchases.

- *h. One-year renewal of the supply contracts for printed and audio library books, as requested by the Mesa Public Library.

The Purchasing Division recommends exercising the one-year renewal as follows:

Baker and Taylor, Inc. – Primary supplier for audio and printed books, for annual purchases estimated at \$809,600.00.

Recorded Books – Secondary supplier for audio books only, for annual purchases estimated at \$33,000.00.

The combined award is then \$842,600.00 based on estimated annual purchases.

- *i. One-year renewal of the supply contracts for children’s pre-bound books and mass market paperback books, as requested by the Mesa Public Library.

The Purchasing Division recommends exercising the one-year renewal as a dual award:

Book Wholesalers, Inc. for annual purchases estimated at \$33,000.00;

Permabound for annual purchases estimated at \$33,000.00. The combined award is then \$66,000.00 based on estimated annual purchases.

- j. Three-year supply contract for maintenance of Police vehicles, as requested by Fleet Support Services.

The Purchasing Division recommends accepting the proposal from Five Star Ford for annual expenditures estimated at \$550,000.

Councilmember Whalen stated that he requested that this item be removed from the consent agenda. He reported that he received a letter today from John Pena, General Manager of Fiesta Lincoln Mercury, one of the firms that submitted a proposal to the RFP. Councilmember Whalen advised that Mr. Pena was disappointed that a Mesa business was not given the

opportunity to provide repair and maintenance service on Police Department vehicles and that staff was recommending the contract be awarded to Five Star Four, a Scottsdale business. He commented that just this afternoon, he spoke with Mr. Pena who expressed additional concerns regarding his company achieving the second highest evaluated score by the City's evaluation team. Councilmember Whalen stated that in particular, Mr. Pena questioned Five Star Ford's hourly labor rate of \$48 per hour (as compared to \$72 from Fiesta Lincoln) and also the fact that his staff was told that the City only had 12 to 20 compressed natural gas (CNG) vehicles and that Fiesta should not be concerned that it did not have technicians specifically trained in CNG repairs. Councilmember Whalen added that Five Star Ford is approximately nine miles from central Mesa and questioned its turnaround time on the repair and maintenance of Police vehicles, especially during those times when officers are ready to begin their shifts and there is a shortage of Police cruisers.

Councilmember Whalen suggested that Mr. Pena's confusion merits further investigation and requested that the matter be continued until the August 30th Regular Council meeting in order to provide staff with an opportunity to contact Mr. Pena to ensure that he fully understands the RFP process.

In response to Councilmember Whalen's inquiries, Materials Management Director Sharon Seekins clarified that the RFP specifically indicated that all vehicles would be picked up and delivered to the West Mesa Fleet Support Offices (6th Street and Mesa Drive); that although Five Star Ford is somewhat further from the Fleet Support Office than some of the other bidders, it was not the furthest; that none of the members of the evaluation team can recall making any statements regarding the number of fleet vehicles powered by CNG; that although Fiesta Lincoln Mercury did not have any CNG-certified technicians, it did indicate a willingness to expand that staffing level if it were the successful bidder; that Five Star Ford's \$48 per hour labor rate was a guaranteed price; and that the bidders had several opportunities to submit questions to staff regarding the RFP process.

Vice Mayor Walters commented that she personally supports Mesa businesses, but in this instance, Fiesta Lincoln Mercury's hourly labor rate proposal of \$72 would cost the City \$120,384 more per year than Five Star Ford's \$48 hourly labor rate. She stated that it is a substantial cost difference in terms of taxpayer money, and she is opposed to continuing this item to the next Regular Council meeting.

It was moved by Vice Mayor Walters, seconded by Mayor Hawker, that the recommendations of staff be approved.

Councilmember Rawles stated that because of Councilmember Whalen's expertise as a former police officer, he would defer to his request to continue this agenda item until a future meeting.

Councilmember Whalen emphasized that the purpose of this discussion is not to take the contract away from Five Star Ford, but commented that a situation exists which could be remedied with a meeting between staff, Five Star Ford and Fiesta Lincoln Mercury representatives.

Vice Mayor Walters withdrew her motion and Mayor Hawker withdrew his second to the motion.

It was moved by Councilmember Whalen, seconded by Councilmember Rawles, that agenda item 5j be continued to the August 30, 2004 Regular Council meeting.

Upon tabulation of votes, it showed:

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

Mayor Hawker declared the motion carried by majority vote.

- *k. Three-year supply contract for streetlight and traffic signal poles, mast arms and anchor bolts for Warehouse inventory to be used by the Transportation Division.

The Purchasing Division recommends accepting the low bid in each of nine product groups as follows:

Groups 1 and 7 to CEM-TEC Corp. at \$22,651.44;

Groups 2 and 5 to Southern Fabrication at \$124,627.03;

Groups 3, 6, 8 and 9 to North Pacific at \$163,255.44; and

Group 4 to Valmont Industries at \$39,302.84.

The combined award is then \$349,836.75 based on estimated requirements.

- *l. One-year supply contract for thermoplastic striping material for Warehouse inventory to be used by the Transportation Division.

The Purchasing Division recommends authorizing purchase from the ADOT contract with Susannah Dobbs Company, LC dba Dobco, at \$35,672.27 including applicable sales tax.

- *m. Six trucks for City departments; four for Customer Service Operations and two for the Electric Utility. Two vehicles are replacements; four are additions to the fleet.

The Purchasing Division recommends authorizing purchase from the State of Arizona contact with Five Star Ford at \$103,036.07.

- n. High Pressure Gas Extension, University – 80th Street to Ellsworth Road, Ellsworth Road – Adobe to Fairfield. City of Mesa Project No. 01-548-001. (Gas Bonds)

This project proposes to create a more reliable gas distribution system by extending high-pressure gas mains to complete a portion of the gas distribution system and extend the City's E-Street conduit system.

Recommend award to low bidder, KR Swerdfeger, in the amount of \$775,981.00 plus an additional \$77,598.00 (10% allowance for change orders) for a total award of \$853,579.00.

Mayor Hawker declared a potential conflict of interest and said he would refrain from discussion/participation in this agenda item. He yielded the gavel to Vice Mayor Walters for action on this agenda item.

It was moved by Councilmember Griswold, seconded by Councilmember Jones, that the recommendations of staff be approved.

Upon tabulation of votes, it showed:

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

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

Vice Mayor Walters yielded the gavel back to Mayor Hawker.

- *o. Rehabilitation of sewer crossings under U.S. 60 for FY 2003. City of Mesa Project No. 01-936-001 (Wastewater Bonds)

This project proposes to install an internal liner to rehabilitate two sewer lines at Gilbert Road and Harris Drive under the Superstition Freeway (US 60).

Recommend award to low bidder, B&F Contracting, Inc., in the amount of \$368,680.00 plus an additional \$36,868.00 (10% allowance for change orders) for a total award of \$405,548.00.

- *p. Replace Riverview Golf Course Pump Station. City of Mesa Project No. 01-268-001.

This project proposes to replace the existing irrigation system pump station.

Recommend award to low bidder, AJP Electric, in the amount of \$139,400.00 plus an additional \$13,940.00 (10% allowance for change orders) for a total award of \$153,340.00.

- q. High-pressure gas main replacement, South Extension Road, Broadway to UPRR. City of Mesa Project No. 01-888-001. (Gas Bonds)

This project proposes to create a more reliable gas distribution system by extending a high-pressure gas main to complete a portion of the gas distribution system.

Recommend award to low bidder, Mastec North America, in the amount of \$106,327.92 plus an additional \$10,632.00 (10% allowance for change orders) for a total award of \$116,959.92.

Mayor Hawker declared potential conflicts of interest on agenda items 5q and 5r and said he would refrain from discussion/participation in these agenda items. He yielded the gavel to Vice Mayor Walters for action on these agenda items.

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

Upon tabulation of votes, it showed:

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

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

r. Water Meter Vault Reconstruction. City of Mesa Project No. 01-603-001. (Water Bonds)

This project proposes to rehabilitate nine existing water meter vaults.

Recommend award to low bidder, Five Points Excavation, in the amount of \$58,000.00 plus an additional \$5,800.00 (10% allowance for change orders) for a total award of \$63,800.00.

It was moved by Councilmember Griswold, seconded by Councilmember Jones, that the recommendations of staff be approved.

Upon tabulation of votes, it showed:

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

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

Vice Mayor Walters yielded the gavel back to Mayor Hawker.

6. Introduction of the following ordinance and setting August 30, 2004 as the date of public hearing on this ordinance:

- *a. Amending Title 9, Chapter 6, Section 7, of the Mesa City Code, relating to modifications of the subdivision regulations, as recommended by the Transportation Committee.
- *b. Amending Title 9, Chapter 8, Section 4, of the Mesa City Code, relating to modifications of the of the subdivision regulations, as recommended by the Transportation Committee.
- *c. Establishing the Williams Gateway Airport Fire Protection Utility rate schedules.
- *d. **A04-05** The areas east of the northeast corner of East Apache Trail and North Ellsworth Road. (1.5± acres). Initiated by the property owner, Mike Pearlstein.

7. Consider the following resolutions:

- *a. Authorizing the City Manager to execute an agreement between the City of Mesa and the Arizona Criminal Justice Commission to pay for equipment to improve crime laboratory automated reporting for laboratory results from criminal incidents in the City of Mesa – Resolution No. 8296.
- *b. Approving and authorizing the City Manager or his designated representative to execute a Development Agreement for City Share Reimbursement between KB Home Phoenix, Inc., an Arizona corporation, and the City of Mesa for regional improvements that are being constructed in conjunction with the residential subdivision known as Muirfield Village located at 9513 East Southern Avenue – Resolution No. 8297.
- *c. Approving and authorizing the City Manager or his designated representative to execute a Development Agreement for City Share Reimbursement between K. Hovnanian Great Western Homes, LLC., an Arizona Limited Liability Company, and the City of Mesa for regional improvements that are being constructed in conjunction with the residential subdivision known as Crismon Creek Village located at 1655 South Crismon Road – Resolution No. 8298.
- *d. Approving and authorizing the City Manager to execute an Intergovernmental Agreement between the City of Mesa and the City of Phoenix in order for Mesa to receive Urban Area Security Initiative Grant (UASI) funding from the City of Phoenix – Resolution No. 8299.
- e. Approving and authorizing the City Manager to execute an Intergovernmental Agreement between the City of Mesa and the State of Arizona, acting by and through the Arizona Department of Transportation Aeronautics Division, whereby the State will provide 90% funding and program management for Airport Surface Treatment related to Falcon Field – Resolution No. 8302.

Mayor Hawker declared a potential conflict of interest and said he would refrain from discussion/participation in this agenda item. He yielded the gavel to Vice Mayor Walters for action on this agenda item.

It was moved by Councilmember Thom, seconded by Councilmember Whalen, that Resolution No. 8302 be adopted.

Upon tabulation of votes, it showed:

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

Vice Mayor Walters declared the motion carried unanimously by those voting and Resolution No. 8302 adopted.

Vice Mayor Walters yielded the gavel back to Mayor Hawker.

- *f. Approving and authorizing the City Manager to execute a grant agreement between Mesa Senior Services and the City of Mesa for funding that supports the operation of the City's Enabling Transportation (ET) program for fiscal year 2004-05 – Resolution No. 8300.
- g. Approving the proposed incorporation of the City of San Tan, Arizona – Resolution No. 8303.

Kelly Schwab, an attorney representing the San Tan Incorporation Committee, 2712 North 7th Street, addressed the Council relative to this agenda item. She expressed appreciation to the Committee for its efforts and hard work throughout the process and acknowledged the presence of several members in the audience. Ms. Schwab explained that the proposed City of San Tan is an approximately 20 square mile area located along the Hunt Highway south of Queen Creek. She commented that the Committee is not asking the Council to grant approval of the incorporation per se, but rather to approve a resolution allowing the proposed incorporation to proceed. Ms. Schwab advised that the Town of Queen Creek and the Town of Gilbert have approved similar resolutions in support of the incorporation of San Tan. She added that incorporation proponents are already in the process of circulating petitions to obtain signatures from two-thirds of the registered voters in the area.

Ms. Schwab further commented that because of the significant growth taking place in Pinal County in recent years, it is crucial that the proposed incorporation of the City of San Tan proceed so that the residents are afforded not only greater decision-making authority relative to development in the area, but also have the ability to retain locally available revenues for community improvements. She added that State law requires that in order for a new community to incorporate, it must first receive concurrence from all existing incorporated communities within six miles of the newly proposed corporate boundaries.

Ben W. Lowe, 1750 W. Daniel Road, Queen Creek, expressed a series of concerns regarding the proposed incorporation and how it would affect a buffer area near the San Tan Regional Park. He requested that Council action on this agenda item be delayed until such time as a study can be conducted to address such concerns.

Gary Mecham, 856 W. Quail Circle, Queen Creek, a member of the San Tan Incorporation Committee, responded to the previous speaker's comments. He explained that the Committee "carved out" a substantial number of residents in the buffer area who were opposed to the incorporation because the Committee felt its needs would be better served if those residents were not included in the incorporation area. Mr. Mecham added that it is not the intent of the Committee to change the zoning in the area, but simply to provide infrastructure for its development, proper planning and zoning, and to address water issue concerns as well.

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

It was moved by Vice Mayor Walters, seconded by Councilmember Thom, that Resolution No. 8303 be adopted.

Vice Mayor Walters thanked the Committeemembers for their ongoing efforts regarding this issue. She assured everyone that the City of Mesa would continue to work with Maricopa

County regarding San Tan Regional Park. She acknowledged Mayor Hawker's comments that he made at the Council Study Session earlier in the afternoon relative to the proposed incorporation and the fact that there is not an assured water supply for the residents in the area. She stated that although this is a very legitimate concern and one that should be addressed on a Valley and statewide level, Council opposition to the resolution to allow the proposed incorporation of the City of San Tan to proceed would not remedy the matter.

Councilmember Griswold voiced support for the motion. He noted that he is amazed by the tremendous growth in the vicinity of San Tan Regional Park and stressed the importance of protecting the recreational area from encroaching development.

Councilmember Rawles expressed support for the motion.

Mayor Hawker stated that he is unable to support the motion without first knowing that there is an assured water supply for the residents in the proposed incorporation area, and in particular, sufficient water capacity at Johnson Ranch. He wished the Committeemembers good luck in their endeavors.

Upon tabulation of votes, it showed:

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

Mayor Hawker declared the motion carried by majority vote and Resolution No. 8303 adopted.

*7.1 Consider adopting a Notice of Intention to increase rates or rate components, fees and/or service charges for wastewater and establishing September 20, 2004 as the date for the public hearing.

7.2 Discuss and consider a new name, Ride Choice, and marketing campaign for the City's Enabling Transportation (ET) program.

It was moved by Vice Mayor Walters, seconded by Mayor Hawker, that a new name, *Ride Choice*, and marketing campaign for the City's Enabling Transportation (ET) program be approved.

Councilmember Rawles expressed opposition to the motion not necessarily because of the particulars of the above-referenced program, but because, in his opinion, it is inappropriate that the community should be required to subsidize travel expenses for Mesa residents who are 65 years of age or older.

Councilmember Griswold voiced support for the motion and commented that the City's Enabling Transportation program offers the disabled and senior community a variety of transportation options to assist them in remaining mobile when they are no longer able to operate a motor vehicle.

Upon tabulation of votes, it showed:

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

Mayor Hawker declared the motion carried by majority vote.

7.3 Discuss and consider recommending award to Achen-Gardner as a "Construction Manager at Risk" for service through design for the Apache Wells water and gas line replacement in the amount not to exceed \$129,944.55.

Mayor Hawker declared a potential conflict of interest and said he would refrain from discussion/participation in this agenda item. He yielded the gavel to Vice Mayor Walters for action on this agenda item.

It was moved by Councilmember Whalen, seconded by Councilmember Griswold, to recommend award to Achen-Gardner as a "Construction Manager at Risk" for service through design for the Apache Wells water and gas line replacement in the amount not to exceed \$129,944.55.

Upon tabulation of votes showed:

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

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

Vice Mayor Walters yielded the gavel back to Mayor Hawker.

8. Consider the following ordinances:

- *a. Amending various sections of the Mesa City Code regarding the following traffic modifications – Ordinance No. 4241:

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

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

On the north side of 1st 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 1st Avenue from a point 117 feet west of Macdonald to a point 91 feet east of Macdonald and on the south side of 1st 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 1st 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 1st 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 1st 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 1st 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 1st Avenue from a point 79 feet west of Serrine to a point 256 feet east of Serrine and on the south side of 1st 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 1st 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 1st Avenue from a point 193 feet west of Hibbert to a point 109 feet east of Hibbert and on the south side of 1st 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 1st 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 1st 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 1st 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)

- b. 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 – Ordinance No. 4262.

Mayor Hawker advised that this agenda item was removed at the request of Councilmember Rawles.

Councilmember Rawles stated that unlike recent modifications to the Desert Uplands Guidelines, which were intended to “free up” an individual’s ability to utilize his land, this item is “a perpetuation of micromanagement by government of people’s property rights and demonstrates the government’s penchant for controlling every aspect of its people’s lives.”

It was moved by Vice Mayor Walters, seconded by Councilmember Jones, that Ordinance No. 4262 be adopted.

Upon tabulation of votes, it showed:

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

Mayor Hawker declared the motion carried by majority vote and Ordinance No. 4262 adopted.

- c. 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 thereunder; 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 – Ordinance No. 4263.

David K. Nichols, 3347 N. Chestnut Avenue, expressed support for the adoption of the 2003 International Fire Code and thanked the Council and staff for their efforts and hard work in assessing which code would best serve the City of Mesa.

Mayor Hawker stated that Kevin Jestes, 2518 E. Fairfield Street, submitted a speaker card and expressed support for this item, but did not wish to address the Council. He read the following comment as contained on the card: "I support passing the I-Codes. However, once adopted, repeal provision mandating fire sprinklers in buildings less than 5,000 square feet."

It was moved by Councilmember Thom, seconded by Vice Mayor Walters, that Ordinance No. 4263 be adopted.

Councilmember Griswold expressed support for the motion and commented that adoption of the proposed code is not only business friendly for Mesa, but will reduce costs and increase safety in buildings throughout the City. He added that in response to Mr. Jestes' comment, staff is currently working on a new ordinance that would, for example, not require the installation of a sprinkler system in a two-person real estate office, but would still maintain the safety of the building.

Carried unanimously.

- *d. 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 – Ordinance No. 4242.
- *e. 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 – Ordinance No. 4243.
- *f. 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 – Ordinance No. 4244.
- *g. 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 – Ordinance No. 4245.

- *h. 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 – Ordinance No. 4246.
- *i. Amending Title 4 of the Mesa City Code by adding a new Chapter 6 Mesa Mechanical Code – Ordinance No. 4247.
- *j. Amending Title 4 of the Mesa City Code by adding a new Chapter 7 Mesa Fuel Gas Code – Ordinance No. 4248.
- *k. 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 – Ordinance No. 4249.
- *l. 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 – Ordinance No. 4250.
- *m. 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 – Ordinance No. 4251.
- *n. 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 – Ordinance No. 4252.
- *o. Amending Section 6-12-5(C) of the Mesa City Code to modify references from the Superintendent of Building Inspections to Building Safety Director – Ordinance No. 4253.
- *p. Amending Section 8-2-3 of the Mesa City Code to modify references from the Superintendent of Building Inspections to Building Safety Director – Ordinance No. 4254.
- *q. Amending Section 8-6-4 of the Mesa City Code to modify references from the Building Inspections Division to Building Safety Division – Ordinance No. 4255.
- *r. 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 – Ordinance No. 4256.
- *s. Amending Section 8-6-8 of the Mesa City Code to modify references from the Superintendent of Building Inspections to Building Safety Director – Ordinance No. 4257.
- *t. Amending Section 8-6-14 of the Mesa City Code to modify references from the Superintendent of Building Inspections to Building Safety Director – Ordinance No. 4258.

9. Consider the following recommendation from the Police Committee:

- *a. Approving changing the color scheme for marked patrol cars from an all white squad car, to the traditional black and white patrol car.

*10. Discuss and consider adopting a City of Mesa Hazard Mitigation Plan.

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

- *a. **Z03-64 (District 3)** Northwest corner of Sycamore and Main Street (14.46 ac.). Rezone from C-2 and C-3 to C-2 BIZ and C-3 BIZ and Site Plan Modification. This request is for the development of a bus/light rail transfer lot and park-and-ride facility to serve the Mesa light rail station and to reserve a site for future Transit Oriented Development (TOD). Judith A. Klein, Rising Sun, LLC., owner; Jeff Martin, City of Mesa, applicant. **CONTINUED FROM THE MAY 3, 2004, MAY 17, 2004, JUNE 7, 2004 AND JULY 6, 2004 CITY COUNCIL MEETINGS. THE APPLICANT HAS REQUESTED THAT THIS CASE BE CONTINUED TO THE SEPTEMBER 7, 2004 COUNCIL MEETING.**

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

1. Compliance with the basic development as described in the project narrative and as shown on the site plan and elevations submitted.
2. All street improvements and perimeter landscaping to be installed in the first phase of construction.
3. Dedicate the right-of-way required under the Mesa City Code at the time of application for a building permit, at the time of recordation of the subdivision plat, or at the time of the City's request for dedication, whichever comes first.
4. Compliance with all City development codes and regulations.
5. Compliance with all requirements of the Development Services Department (Engineering, Traffic Engineering, Solid Waste and Facilities, etc.).
6. Compliance with all requirements of the Design Review Board.
7. Review and approval by the Planning and Zoning Board, Design Review Board and City Council of future development plans.
8. Transit oriented development is encouraged for the 3.67 acre lot.

- *b. **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 – Ordinance No. 4259.

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

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 requirements of the Development Services Department (Engineering, Traffic Engineering, Solid Waste and Facilities, etc.).
3. Dedicate the right-of-way required under the Mesa City Code at the time of application for a building permit, at the time of recordation of the subdivision plat, or at the time of the City's request for dedication, whichever comes first.
4. Compliance with all requirements of the Subdivision Technical Review Committee.

5. Full compliance with all current Code requirements, unless modified through appropriate review and approval of the modifications outlined in the staff report.
6. Retention basins to be 6:1 slopes maximum when adjacent to public rights-of-way or pedestrian walkways.

*c. **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 – Ordinance No. 4260.

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

1. Compliance with the basic development as described in the project narrative and as shown on the site plan submitted, except as noted below.
2. Compliance with all requirements of the Design Review Board.
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, or at the time of the City's request for dedication, whichever comes first.
5. Obtainment of a Development Incentive Permit (DIP) from the Board of Adjustment or the Zoning Administrator for all code deviations.
6. Retention basins to be 6:1 slopes maximum when adjacent to public rights-of-way or pedestrian walkways.

*d. **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 – Ordinance No. 4261.

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

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 requirements of the Development Services Department (Engineering, Traffic Engineering, Solid Waste and Facilities, etc.).
3. Dedicate the right-of-way required under the Mesa City Code at the time of application for a building permit, at the time of recordation of the subdivision plat, or at the time of the City's request for dedication, whichever comes first.
4. Compliance with all requirements of the Design Review Board.
5. Retention basins to be 6:1 slopes maximum when adjacent to public rights-of-way or pedestrian walkways.
6. Provide a minimum six-foot high masonry wall along the property line common with the residential development.

12. Consider the following subdivision plats:

- *a. "WHISPER MOUNTAIN," – (Council District 5) – 1700-1800 blocks of North Crismon Road (west side) located south and west of McKellips Road and Crismon Road. 60 R1-15 PAD single residence lots (87.89 ac) VIP Construction, Inc., an Arizona Corporation, owner; Hoskin Ryan Consultants, Inc., engineer.
- *b. "SPROUTS CENTER," – (Council District 6) – 1200 block of South Higley Road (east side) located south and east of Southern Avenue and Higley Road. 4 C-2 commercial lots (11.07 ac) AVB S&H, L.L.C., an Arizona Limited Liability Company and LH One, LLC, a Nevada Limited Liability Company, Frank B. Weiss, Manager, owner; Norman Engineering Group, Inc., engineer.
- *c. "PAINTED MOUNTAIN TOWNHOMES," – (Council District 5) – 6200 block of East McKellips Road (north side) located north and east of McKellips Road and Recker Road. 311 R1-6 PAD DMP townhome lots (45.47 ac) Capital Title Agency, Inc., an Arizona Corporation, trustee; Palatine Engineering Consultants, engineer.

13. Items from citizens present.

There were no items from citizens present.

14. Adjournment.

Without objection, the Regular Council Meeting adjourned at 6:55 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 16th day of August 2004. I further certify that the meeting was duly called and held and that a quorum was present.

BARBARA JONES, CITY CLERK