

# COUNCIL MINUTES

September 22, 2003

The City Council of the City of Mesa met in a Regular Council Meeting in the Council Chambers, 57 East 1st Street, on September 22, 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

Debbi Dollar  
Debbie Spinner  
Barbara Jones

Invocation by Councilmember Thom.

Pledge of Allegiance was led by David Taylor, Boy Scout Troop No. 570.

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 Kavanaugh, seconded by Councilmember Walters, that the consent agenda items be approved.

Carried unanimously.

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

Minutes from the September 4 and 8, 2003 City Council meetings.

3. Conduct a public hearing for the following annexations:

- a. Deleted
- b. Deleted.
- c. Deleted.

4. Conduct a public hearing concerning a request from Cox Communications, Inc. to renew its license to provide cable service in the City of Mesa.

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

Mayor Hawker announced that this is the time and place for a public hearing regarding a request from Cox Communications, Inc. to renew its license to provide cable service in the City of Mesa.

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

5. Consider the following liquor license applications:

\*a. AL CORTE, COORDINATOR

Special Event License application of Al Corte, Coordinator, AZ Bike Week Charities, a one-day charitable event to be held Saturday, October 18, 2003, from 10:00 a.m. to 11:00 p.m., at 733 West Main Street.

\*b. ROBERT WAYNE BRINTON

Special Event License application of Robert Wayne Brinton, CEO, Mesa Convention & Visitors Bureau, a one-day civic event to be held Saturday, October 18, 2003, from 8:00 p.m. to 11:00 p.m., at 53 North Macdonald, Mesa Southwest Museum.

\*c. PHILIP J. GREEN, AGENT

Person Transfer Beer and Wine Bar License for Longbow Golf Club, 5400 East McDowell Road. This is an existing business. This transfer is from Steven Robert Coughlin, Agent, Crown Golf Executives, Inc., 5400 East McDowell Road. This license will transfer to the applicant.

\*d. H. J. LEWKOWITZ, AGENT

New Hotel-Motel License for Sheraton Mesa Hotel, 200 North Centennial Way. This is an existing business. The Hotel-Motel License previously held at this location by Kathleen Patricia Spangenberg, Agent, Capstar Mesa Comp LLC, license will revert back to the State.

\*e. SHERRY LYNN ZAWADZKI, AGENT

New Restaurant License for Hello Deli, 6144 East Main Street, Ste D106. This is an existing building. No previous liquor licenses at this location.

6. Consider the following contracts:

- \*a. Three-year supply contract for automotive/truck parts as requested by Fleet Support Services Division.

The Purchasing Division recommends accepting the low bid by Westpac Heavy Duty Inc., dba C. W. Carter Company at \$145,000.00 based on estimated annual requirements.

- \*b. Six Motorola mobile radios for Police Department vehicles as requested by the Communications Division.

The Purchasing Division recommends authorizing purchase from State of Arizona contract with Motorola at \$14,826.24 including applicable sales tax.

- \*c. Three-year supply contract for softballs and baseballs for warehouse inventory as requested by the Parks & Recreation Division.

The Purchasing Division recommends accepting the low bids as follows:

Items 1 and 2 to East Valley Sports at \$45,086.44 including applicable sale tax; and

Item 3 to Sports Supply Group, Inc. at \$3,261.52 including applicable use tax. The combined award is then \$48,347.96 based on estimated annual requirements.

- \*d. Three-year supply contract for automotive hydraulic cylinders as requested by Fleet Support Services.

The Purchasing Division recommends accepting the low bid meeting specification by Heil Arizona at \$75,000.00 based on estimated annual requirements.

- \*e. Fifteen workstations, three offices and a workroom for Neighborhood Outreach Services as requested by Development Services.

The Purchasing Division recommends authorizing purchase from the State of Arizona contract with Goodman's, Inc. at \$50,215.09 including design, installation, delivery and applicable sales tax.

- f. ACP Water Line Replacement, Phase 1 Apache Country Club Estates, City of Mesa Project No. 01-641-001.

This project replaces over 7,200 feet of waterline and 135 water service connections to improve water system reliability in this neighborhood which has experienced a higher than normal number of repairs due to waterline breaks.

Recommend award to low bidder, Miura Contracting, in the amount of \$432,800.00 plus an additional \$43,280.00 (10% allowance for change orders) for a total award of \$476,080.00.

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

It was moved by Councilmember Thom, 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.

Vice Mayor Kavanaugh yielded the gavel back to Mayor Hawker.

\*g. Desert Wells No. 10 Wall Relocation, City of Mesa Project No. 01-834-007.

This project is being completed to remove a portion of the well site wall that will be in conflict with ADOT's upcoming construction for the US 60/Loop 202 interchange, which is scheduled to begin in late 2003.

Recommend award to low bidder, W. L. Emshoff, in the amount of \$38,759.00 plus an additional \$3,875.90 (10% allowance for change orders) for a total award of \$42,634.90.

\*h. Red Mountain Multigenerational Center Soft Water Loop, City of Mesa Project No. 02-227-001.

This project will improve the dishwasher's performance and extend its service life by installing a soft water loop line to the dishwasher.

Recommend award to low bidder, Piper Power Plumbing & Mechanical Corporation, in the amount of \$13,050.00, plus an additional \$1,305.00 (10% allowance for change orders) for a total award of \$14,355.00.

7. Introduction of the following ordinance and setting October 13, 2003 as the date of public hearing on these ordinances:

\*a. **Z03-32** (District 6) The southwest corner of Sossaman Road and Hampton Avenue (36 acres ±). Rezone from AG (Conceptual M-1 and PEP) DMP to M-1-PAD-DMP. This case involves the development of a mixture of industrial uses including auto dealerships. DMB Superstition Springs Investors, owner; Karrin Kunasek Taylor, Esq. (Biskind, Hunt, & Taylor, P.L.C.), applicant.

- \*b. **Z03-34** (District 6) 3200 block of South Signal Butte Road (east side) (42.6 acres  $\pm$ ) Rezone from R1-43 to Public Facilities (PF). This rezoning will facilitate conformance with the Mesa 2025 General Plan. Arizona State Land Department, owner; City of Mesa, applicant.
- \*c. **Z03-35** (District 6) Southwest corner of Pecos Road and Signal Butte Road (320 acres  $\pm$ ) Rezone from R1-43 to M-2. This rezoning will facilitate conformance with the Mesa 2025 General Plan. Arizona State Land Department, owner; City of Mesa, applicant.
- \*d. **Z03-36** (District 6) North of the northwest corner of Sunview and Baseline Road (17.05 acres  $\pm$ ) Site Plan Review. This request is for the development of offices and ancillary retail uses. Mesa Arizona Real Estate Investment, owner; Tim Rasnake, Archicon, applicant.
- \*e. **Z03-37** (District 5) Southwest corner of Power Road and McDowell Road (17.59 acres  $\pm$ ) Rezone from OS to C-2 and Site Plan Modification. This request is for the development of a commercial shopping center. Tom Allen, Trustee, owner; Irwin Pasternack, applicant.
- \*f. **Z03-39** (District 6) The 11300 block to the 11500 block of East Warner Road (south side) and the 4500 block to the 5000 block of South Meridian Drive (west side) and the 4500 block to the 5000 block of South Mountain Road (east side) (198 acres  $\pm$ ). Rezone from R1-9 and R1-35 to R1-6 PAD – DMP, R1-6 DMP, R1-7 DMP, and R1-9 DMP. This case involves the development of the Gila River Springs development master plan. Gila River Ranches, LLC, owner; Sean Lake, Pew & Lake PLC, applicant.
- \*g. **Z03-40** (District 5) Northwest corner of 93<sup>rd</sup> Street and McLellan Road. (2 acres  $\pm$ ) Rezone from Maricopa County Rural-43 to City of Mesa R1-43. This case involves the establishment of City zoning on recently annexed property. Owners, various; City of Mesa, applicant.
- h. **Z03-41** (District 6) Southeast corner of Broadway Road and the Roosevelt Water Conservation District Canal (55<sup>th</sup> Street). (11.7 acres  $\pm$ ) Rezone from Maricopa County Rural-43 to City of Mesa R1-43. This case involves the establishment of City zoning on recently annexed property. Owners, various; City of Mesa, applicant.

Councilmember Whalen declared a potential conflict of interest and said he would refrain from discussion/participation relative to this agenda item.

It was moved by Councilmember Thom, seconded by Councilmember Jones, to introduce the above-referenced ordinance and set October 13, 2003 as the date of public hearing on the ordinance.

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.

- \*i. **Z03-42** (District 5) The 8600-8700 block of East Culver Street (north side) (5 acres ±) Rezone from Maricopa County R1-35 to City of Mesa R1-35. This case involves the establishment of City zoning on recently annexed property. Owners, various; City of Mesa, applicant.
- \*j. **Z03-43** (District 5) The northeast corner of Greenfield Road and McLellan Road, Tract "A" Mesa Commerce Center (8.6 acres ±). Rezone from M-1 to M-1 PAD. This case involves the development of offices and warehouses. Mesa Land Partners, LLC, owners; UTAZ Development Corporation, applicant.

8. Consider the following resolutions:

- a. Extinguishing a portion of a 20-foot Public Utility Easement on Lot 1 of the Mesa Auto Center located at 460 East Auto Center Drive – Resolution No. 8109.

This portion of the easement is no longer required.

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

It was moved by Vice Mayor Kavanaugh, seconded by Councilmember Thom, that Resolution No. 8109 be adopted.

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 and Resolution No. 8109 adopted.

- b. Deleted.
- \*c. Approving the Assessment Diagram Map for the Power Road Scalloped Street Assessment Project #00-043 – Resolution No. 8102.

This project installed street improvements along North Power Road from Delmon to McDowell Road. A portion of the project costs will be assessed to the adjacent property owners under the Scalloped Street Assessment laws.

- \*d. Fixing October 27, 2003 as the Public Hearing for the proposed final assessments for the Power Road Scalloped Street Assessment Project #00-043 – Resolution No. 8103.

This project installed street improvements along North Power Road from Delmon to McDowell Road. A portion of the project costs will be assessed to the adjacent property owners under the Scalloped Street Assessment laws.

- \*e. Approving and Authorizing the City Manager to execute an Intergovernmental Agreement between the Arizona Department of Transportation and the City of Mesa for aesthetic enhancements to the pedestrian overpass bridge along the Superstition Freeway (US 60) and Dobson Road – Resolution No. 8104.
- \*f. Approving and authorizing the City Manager to execute an Intergovernmental Agreement between the Town of Gilbert and the City of Mesa for utility services on the southeast corner of Baseline Road and Country Club Drive – Resolution No. 8105.
- \*g. Authorizing the City Manager to execute Amendment #1 of the Intergovernmental Agreement between the State of Arizona through the Department of Commerce and the City of Mesa, to increase funding to \$73,798 to allow Mesa Community Action Network (MesaCAN) to provide weatherization services for low-income households in the Mesa service area – Resolution No. 8106.
- \*h. Modifying fees and charges for the Computer Information Literacy Training Program offered by the City of Mesa Library – Resolution No. 8107.
- i. Approving and authorizing the City Manager to execute the City of Mesa, Arizona Nonexclusive 2003 Cable Television Renewal License with Cox Communications, Inc. – Resolution No. 8110.

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

Councilmember Whalen provided the Council with a brief overview of this agenda item. He explained that one of the major terms of the renewal license is the fact that the City of Mesa and Cox Communications have agreed to a cable license fee reduction, which will equate to a decrease of approximately 34 cents per customer per month. Councilmember Whalen added that in his opinion, the 15-year renewal license is in the best interest not only of the citizens of Mesa, but also Cox Communications. He commended staff, Ivan Johnson of Cox Communications, and Citizens for Lower Taxes With Major Funding By Cox Cable, headed by Kirk Adams, for their efforts and hard work to arrive at a successful resolution to this matter.

It was moved by Councilmember Whalen, seconded by Councilmember Thom, that Resolution No. 8110 be adopted.

Councilmember Jones commented that although he was displeased with the events that led up to the final cable license negotiations, it is in the best interest of the City of Mesa and Cox Communications to put this issue behind them and to move forward.

Councilmember Thom noted that the cable license negotiations were in progress for over a year before the Citizens For Lower Taxes brought forward an initiative to bring this issue to the voters. She stated that the committee's action provided the motivation whereby the City of Mesa and Cox Communications reached an amicable agreement.

Vice Mayor Kavanaugh thanked everyone involved in the negotiation process for their efforts and hard work. He explained that one of the most important terms of the cable license is that Cox Communications has agreed to provide a local emergency messaging system that will allow

the City to advise Mesa residents of a local emergency. Vice Mayor Kavanaugh added that to the credit of all the parties involved in the negotiations, a compromise has been reached which recognizes the reality of the private sector, as well as the needs of the public sector.

Mayor Hawker expressed opposition to the motion and outlined a series of concerns relative to this matter. He stated, among other things, that the authority over the public right-of-ways (which are assets of the City) is vested with the Council; that the Federal government has established a cap for cable license fees at 5% and that every city in the Valley, with the exception of Buckeye, imposes a 5% fee; that he was supportive of Mesa's cable license fee remaining at 5%; that it was imperative that Cox Communications provide the City with an emergency messaging system and public, education and government channels, and that he was not supportive of Cox Communications imposing a sales tax in addition to the cable license fee.

Mayor Hawker explained that he would not support the motion for the following reasons: 1.) The cable license fee was lowered from 5% to 4.5%; 2.) The elimination of the provision in the cable license agreement resulting in the fact that Cox Communications will no longer be required to provide free cable service to Mesa's public schools, and 3.) By lowering the cable license fee from 5% to 4.5%, the City will experience a shortfall of \$5.1 million over the 15-year term of the license, which may potentially result in a reduction of City services, just so Mesa's cable users can save 34 cents a month.

Councilmember Griswold explained that although he is supportive of the motion, he appreciates Mayor Hawker shedding light on the other side of the issue.

In response to Mayor Hawker's comments, Councilmember Whalen clarified that as a result of the parties' negotiations, the City has agreed not to charge Cox Communications for building permits for the company to work in Mesa's right-of-ways in lieu of trading free cable service to City buildings.

Ivan Johnson, a representative of Cox Communications, addressed the Council and clarified that Cox is deeply committed to education and is currently providing free cable service to over 560 schools in the Valley with any license obligation. He added that this is done as a community service and should be treated as such.

Upon tabulation of votes, it showed:

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

Mayor Hawker declared the motion carried by majority vote of those voting and Resolution No. 8110 adopted.

9. Consider the following ordinances:

- \*a. Amending Sections 11-1-6 and 11-13-2 of the Zoning Ordinance regarding "Special Events" – Ordinance No. 4101.

- b. Deleted.
- \*c. **A03-1** Annexing the intersection of Ellsworth Road and University Drive. (District 5) (58.2± acres). Initiated by the property owners – Ordinance No. 4102.
- \*d. **CZO3-004TC** 450 North Center (District 4) – Ordinance No. 4103.  
  
Rezone from C-2 to TCB-1, JS&G Family Limited Partnership, owner; Steven Mastroni, applicant/owner.  
  
Downtown Development Committee recommendation: Approval (7-0)
- \*e. Amending various sections of the Mesa City Code regarding the following traffic modifications: – Ordinance No. 4104.  
  
No Parking: 10-3-24 (D) (Full Time No Parking)  
  
On Virginia Street from a point 250 feet east of Olympic to a point 220 feet east of Platina (Remove Prohibition) as recommended by the Transportation Advisory Board.
- f. Amending Section 4-1-1 ( R ) of the Mesa City Code relating to providing a no-step entry at all new model home complexes as recommended by the General Development Committee – Ordinance No. 4109.

Vice Mayor Kavanaugh, Chairman of the General Development Committee, provided the Council with a brief overview of this agenda item. He explained that the proposal, which has received the support of the local development community, would provide for a no-step entry on at least one exterior door at one model home per new model home complex. Vice Mayor Kavanaugh stated that Phoenix has already adopted a similar ordinance.

It was moved by Vice Mayor Kavanaugh, seconded by Councilmember Walters, that Ordinance No. 4109 be adopted.

Councilmember Walters stressed the fact that the proposed ordinance will not affect existing model home complexes and nor will it impact homes that have been previously approved for construction.

Councilmember Thom voiced opposition to the motion and commented that it is not the responsibility of the Council to tell homebuilders what should or should not be included as options in model homes.

Mayor Hawker stated that he would not support the motion. He commented that the no-step entry is an option that homebuyers could consider, but stated that it should not be a requirement that homebuilders display the entry as an option in their model homes.

Upon tabulation of votes, it showed:

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

Mayor Hawker declared the motion carried by majority vote and Ordinance No. 4109 adopted.

- \*g. Amending Sections 11-19-5 and 11-19-8 creating a definition of and establishing provisions regarding the regulation of electronic message displays – Ordinance No. 4105.
- h. Amending Title 9, Chapter 7 of the Mesa City Code pertaining to Community Antenna Television Systems – Ordinance No. 4110.

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

It was moved by Councilmember Whalen, seconded by Councilmember Jones, that Ordinance No. 4110 be adopted.

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 and Ordinance No. 4110 adopted.

- i. Deleted.
- j. Repealing Title 6, Chapter 15 of the Mesa City Code and amending Title 6 by adding a new Chapter 15 pertaining to alarm systems as recommended by the Police Committee – Ordinance No. 4111.

Councilmembers Whalen and Jones declared potential conflicts of interest and said they would refrain from discussion/participation relative to this agenda item.

Susan Brenton, Executive Director of the Arizona Burglar and Fire Alarm Association, 4525 South Lakeshore Drive, Tempe, addressed the Council and stated that the association is fully supportive of the proposed alarm systems ordinance. She also commended Police Chief Dennis Donna and Alarm Coordinator Debbie Langford for their efforts and hard work relative to this important issue.

It was moved by Councilmember Griswold, seconded by Councilmember Walters, that Ordinance No. 4111 be adopted.

Councilmember Thom commented that although she initially was opposed to this item, she now believes it is a supportable ordinance and will provide Mesa with an effective mechanism with which to reduce false alarm activations in the community.

Mayor Hawker stated that he does not like renewal fees and would prefer the imposition of a one-time fee. He noted that if the intent of the annual alarm permit renewal program is to provide the Police Department with updated information relative to the individual alarm owners

and businesses, then perhaps a voluntary update via e-mail would be an appropriate and cost effective means by which to accomplish the objective.

Discussion ensued relative to the fact that not all alarm owners have access to the Internet in order to comply with Mayor Hawker's suggestion; that it is anticipated that staff will mail annual notices to 28,000 individuals who maintain alarm permits in the City in an effort to retain a database of current information on each person; that it will be necessary for the Police Department to add one full time employee (FTE) to the alarm unit staff in order to handle the increased workload associated with the proposed ordinance changes, and that the City's utility billing software program and the alarm systems billing software program are not compatible at the present time.

Councilmember Walters commented that when the members of the Police Committee discussed this issue, the concept of a cost recovery measure being incorporated into the program was considered and that it will take analysis in the future to determine whether a cost recovery was actually realized. She stressed that the implementation of an annual alarm permit fee (\$10) is not for the purpose of generating additional revenues, and stated that at the request of the Police Committee, staff will review the fee amount in one year to determine whether it is too high or too low.

Councilmember Griswold, Chairman of the Police Committee, provided the Council with a brief overview of this agenda item. He noted that the City now spends an estimated \$889,068 annually to respond to false alarm activations (20,676 last year), and that with the adoption of the proposed ordinance, that number will decrease and thereby reduce the subsequent police response to false alarms.

Upon tabulation of votes, it showed:

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

Mayor Hawker declared the motion carried unanimously by those voting and Ordinance No. 4111 adopted.

- k. Relating to building regulations; amending Title IV of the Mesa City Code by adding thereto a new Chapter 13, Rehabilitation Code, adopting by reference the North Carolina Rehabilitation Pilot Code, amending certain provisions in the North Carolina Rehabilitation Pilot Code and setting penalties for violations as recommended by the General Development Committee – Ordinance No. 4112.

Mayor Hawker advised that this item was removed from the consent agenda at the request of Councilmember Jones.

Councilmember Jones stated that the adoption of the Rehabilitation Code will provide Mesa's development community with a tool to encourage the reuse of existing buildings, especially in older areas of the City. He emphasized, however, that the Code is a work in progress and will be fine-tuned as needed.

Robert Saemisch, 163 North Macdonald, a local architect and a representative of the Mesa Town Center Business Development Committee (MTCBDC), addressed the Council relative to this agenda item. He questioned whether the Rehabilitation Code will provide the development community with greater flexibility as compared to the current building codes, and stated that over the next year, the MTCBDC would like to solicit comments/input from individuals who have gone through the permit process in order to assess which code was, in fact, more "business friendly."

Vice Mayor Kavanaugh, Chairman of the General Development Committee, stated the opinion that the Rehabilitation Code represents a practical approach with which to reinvest in Mesa's neighborhoods, foster economic development and historic preservation, and promote and protect the safety of residents and occupants of the existing buildings.

Neal Yukolis, 4064 East Greenway, expressed support for the adoption of the Rehabilitation Code and noted that he hoped the Code would provide greater flexibility to those individuals endeavoring to reuse existing buildings.

Deputy Director for Plan Review Dave Harding provided the Council with a brief overview of this agenda item.

Councilmember Walters stated that in her opinion, the Rehabilitation Code goes hand in hand with Mesa's Infill Policy. She also commented that although the General Development Committee wanted to review this issue in a year, if staff determines there are certain provisions/aspects of the Code that need to be modified in a more timely manner, then it would be appropriate to do so. Councilmember Walters added that the Code will also provide individuals with the ability to conduct incremental improvements on a building as opposed to a total remodel.

Councilmember Griswold concurred with the comments of Vice Mayor Kavanaugh and Councilmember Walters. He also commended the General Development Committee and staff for their efforts and hard work relative to this matter.

It was moved by Councilmember Jones, seconded by Councilmember Griswold, that Ordinance No. 4112 be adopted.

Carried unanimously.

- \*10. Consider an ordinance and resolution amending Title 4, Chapter 9 of the Mesa City Code, relating to an administrative program to exempt certain industrial facilities with 24-hour supervision from the normal plan review and inspection process, and modifying the schedule of fees and charges for the Development Services Department, Building Safety Division, as recommended by the General Development Committee – Ordinance No. 4106; Resolution No. 8108.
11. Consider recommendations for Supplemental Health Insurance Programs for 2004.

Mayor Hawker explained that because each member of the Council is currently participating in the City's supplemental health insurance programs, it is necessary that all seven Councilmembers declare a potential conflict of interest relative to this issue.

(Each Councilmember verbally declared a potential conflict of interest.)

City Attorney Debbie Spinner reiterated Mayor Hawker's comments and advised that under the conflict of interest statute, if a majority of the Council, or in this case the entire Council, has a conflict of interest with regard to an issue, pending acknowledgement of the conflict by its members, the Council is then permitted to ask questions, engage in discussion and ultimately vote on the matter.

Councilmember Walters and Mayor Hawker expressed appreciation to staff for their efforts and hard work relative to this agenda item.

It was moved by Councilmember Walters, seconded by Councilmember Jones, that the Supplemental Health Insurance Programs for 2004, be approved.

Carried unanimously.

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

- \*a. **Z03-29** 651 East Main Street (District 4) (2.16 acres ±) Rezone from R-2 to C-2. This case involves the development of a hotel. Ramesh Patel, owner; Ralph Pew, Pew & Lake, PLC, applicant.  $\frac{3}{4}$  **VOTE REQUIRED. REFER BACK TO PLANNING & ZONING BOARD.**

P&Z Recommendation: Denial (Vote 5-0).

- \*b. **Z03-30** 5404 East Southern Avenue (District 6) (1.19 acres ±) Rezone from R1-7 to OS PAD. This case involves the development of an office. Allan Bulman, owner; Don Cramer, AIA, applicant – Ordinance No. 4107.

P&Z Recommendation: Approval with conditions. (Vote: passed 5-0)

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 coverage) except as noted below.
2. Compliance with all requirements of the Design Review Board, including landscaping, pedestrian connections and elevations.
3. Parking shall be calculated at one space per 200 square feet of G.F.A.
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.).

- \*c. **Z03-31** 7255 East Hampton Avenue (District 6) (3.14 acres). Rezone from M-1 to M-1-PAD. This case involves the development of industrial offices. Sunridge Properties, Inc., owner; Les Partch, Partch & Assoc. Architecture, applicant – Ordinance No. 4108.

P&Z Recommendation: Approval with conditions. (Vote: passed 5-0)

1. Compliance with the basic development as described in the project narrative and as shown on the site plan, preliminary plat 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.
  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 Subdivision Technical Review Committee.
  7. Compliance with all requirements of the Design Review Board.
  8. Full compliance with all current Code requirements, unless modified through appropriate review and approval of the modifications outlined in the staff report.
  9. Retention basins to be 6:1 slopes maximum when adjacent to public rights-of-way or pedestrian walkways.
- d. **Z03-33** The 1000 – 1100 block of West Southern Avenue, south side (District 3) (2.04 acres). Rezone from C-2 (Conceptual BIZ) DMP to C-2 BIZ DMP and Site Plan Modification. This case involves the development of a bank. Keith Earnest, owner; Scott Prickett, applicant – Ordinance No. 4113.

P&Z Recommendation: Approval with conditions. (Vote: passed 5-0)

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. Review and approval by the Design Review Board and Development Services Department including Solid Waste Division of future development plans should there be a change of use, other than a bank and offices.
3. Compliance with all City development codes and regulations.
4. Compliance with all requirements of the Development Services Department (Engineering, Traffic Engineering, Solid Waste and Facilities, etc.).
5. 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.
6. Compliance with all requirements of the Design Review Board.
7. Full compliance with all current Code requirements, unless modified through appropriate review and approval of the modifications outlined in the staff report.
8. Retention basins to be 6:1 slopes maximum when adjacent to public rights-of-way or pedestrian walkways.
9. Provide additional foundation base landscaping (landscaped parking island/pedestrian walk equal to the width of two parking spaces) along the southern portion of the National Bank of Arizona building. Design to be reviewed and approved by the Design Review Board.
10. Eliminate all retaining walls and screen walls within the retention basin(s) along Southern Avenue or as approved by the Design Review Board.

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 Kavanaugh for action on this agenda item.

It was moved by Vice Mayor Kavanaugh, seconded by Councilmember Thom, that Zoning Case No. Z03-33 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 and Ordinance No. 4113 adopted.

Vice Mayor Kavanaugh yielded the gavel back to Mayor Hawker.

13. Items from citizens present.

Bob G. Bender, 8104 East Fox Street, addressed the Council and expressed concerns relative to the Arizona Department of Transportation's (ADOT) proposed Option 3 for the configuration of the Brown Road interchange off of the Loop 202. He noted that in particular, this alternative would bring Brown Road within 30 feet of the back of his residence, raise the road eight feet above ground and completely obscure his view of Red Mountain.

Rick Roy, 8116 East Fox Street, concurred with the comments of the previous speaker. He indicated that if ADOT proceeds with any of its current proposals, his neighborhood will be confronted with not only a loss of privacy, clean air and a safe environment, but also will experience a potential decline in property values.

Willy Willis, 930 North Mesa Drive, # 1008, expressed a series of concerns regarding the scheduling of bus service into Fiesta Mall and requested input from staff relative to this issue. He also encouraged the City to extend the hours of bus service throughout Mesa and to reinstate Sunday bus service.

14. Adjournment.

Without objection, the Regular Council Meeting adjourned at 7:15 p.m.

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KENO HAWKER, MAYOR

ATTEST:

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BARBARA JONES, CITY CLERK

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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 22<sup>nd</sup> day of September 2003. I further certify that the meeting was duly called and held and that a quorum was present.

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BARBARA JONES, CITY CLERK

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