



# COUNCIL MINUTES

November 4, 2002

The City Council of the City of Mesa met in a Regular Council Meeting in the Council Chambers, 57 East 1st Street, on November 4, 2002 at 5:45 p.m.

## COUNCIL PRESENT

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

## COUNCIL ABSENT

None

## STAFF PRESENT

Mike Hutchinson  
Debbie Spinner  
Barbara Jones

Invocation by Chaplain Deede Scott, Church of Scientology.

Pledge of Allegiance was led by Todd Ball, Boy Scout Troop # 650.

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.

Mayor Hawker and City Clerk Barbara Jones provided an update regarding the upcoming election.

### 1. November 5, 2002 Election – General Plan.

Ms. Jones stated that the State's General Election will be conducted tomorrow, November 5, 2002, and commented on the fact that Mesa's updated General Plan (Proposition 405) will be on the ballot. She displayed a copy of a sample ballot and noted that Proposition 405 is the last issue listed on the back side of the ballot. Ms. Jones reported that citizens who are unsure whether they are registered to vote or do not know the location of their polling place, may contact the Mesa City Clerk's Office to obtain assistance. She added that individuals may also contact the Maricopa County Elections Department by phone or via the County website. Ms. Jones further commented that polling places will be open between 6 a.m. and 7 p.m. on Election Day; that citizens who received early ballots and have not yet returned them to Maricopa County may drop off the ballots at any polling place within the County, and that in addition to local television coverage of the Election Night results, Mesa Channel 11 will also provide highlights.

2. Mesa Legislative Districts and Candidates.

Mayor Hawker discussed the fact that Legislative and Congressional District boundaries have been redrawn to reflect the 2000 Census. He referred to a map on display in the Council Chambers that depicted boundary lines for Legislative Districts 17, 18, 19, 21 and 22 within the City limits.

3. Mesa Congressional Districts and Candidates.

Mayor Hawker commented that Arizona now has seven Congressional Districts and referred to a map on display that depicted boundary lines for Districts 5 and 6 within the City limits.

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 October 21, 2002 Council Meetings.

3. Consider the following liquor license applications.

\*a. JAMES H. RYAN, PRESIDENT

Special Event License for James H. Ryan, President, Back to School Clothing Drive Assn., a one-day event to be held Friday, November 15, 2002 from 11:00 a.m. to 4:00 p.m., at 1101 S. Ellsworth Rd., The Resort.

\*b. MILENKO SPASOJEVIC, AGENT

Person Transfer Bar License, Champion Sports Bar & Nite Club, 330 S. Gilbert Rd. #2-3. This is an existing business. This transfer is from Ronald B. Humphrey, Agent, Mr. Bolo's, 330 S. Gilbert Rd. #2-3.

c. PAUL W. MARQUARDT, AGENT

Person & Location Transfer, Beer & Wine Bar, The Monastery, 4701 E. McKellips Rd. This is a new business. This transfer is from Glen Christensen, Agent, Denny's Restaurant, 9030 N. Black Canyon Hwy, Phoenix.

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

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

Upon tabulation of votes, it showed:

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

Mayor Hawker declared the motion carried unanimously by those voting.

\*d. LISA IRENE KHAN, AGENT

Person Transfer Liquor Store License, East Mesa Liquors, 723 E. Main St. This is an existing business. This transfer is from Jay Stanley Phillips, Individual, East Mesa Liquors.

\*e. AMY S. NATIONS, AGENT

New Restaurant License for Carrabba's Italian Grill. This an existing business. The Restaurant License previously held at this location by Douglas Wayne Thompson, Agent, Carrabba's/Arizona 1 Limited Partnership, will revert back to the State.

\*f. DAVID M. HALTER, AGENT

New Restaurant License for Rush St. Pizzeria & Grill, 319 S. Power Road. This is an existing business. The Restaurant License previously held at this location by Mark Allen Miller, Agent, Rush St. Pizzeria & Grill Corp., will revert back to the State.

\*g. RONNY HONG, AGENT

New Restaurant License for Sushi Kee, 6825 E. Main Street. This is an existing business. No Previous Liquor License at this location.

4. Consider the following Bingo application:

- \*a. Sunrise Mobile Home Two – CLASS A  
Carl Nelson  
5402 E. McKellips Rd.  
Mesa, AZ 85212

5. Consider the following contracts:

- \*a. Three-year supply contract for gas service risers for warehouse inventory as requested by the Utilities Department.

The Purchasing Division recommends accepting the second low bid by R.W. Lyall at \$207,022.54 based on estimated annual requirements.

- \*b. Three-year supply contract for Barricade Rental Services used by Transportation and Utilities.

The Purchasing Division recommends awarding the primary contract to NES Traffic Safety, the lowest priced proposal, and a secondary contract to United Rentals, for annual expenditures estimated at \$700,000.00.

- \*c. Electric substation battery systems for the Utilities Department.

The Purchasing Division recommends accepting the low bid by JCH Enterprises at \$34,375.62 including applicable use tax.

- \*d. Helicopter accessories as requested by the Police Department.

The Purchasing Division recommends accepting the overall low bid by Flight Trails Helicopters, Inc. at \$189,844.00 plus 7.8% sales tax of \$14,807.83 for a total of \$204,651.83.

- \*e. Helicopter searchlight as requested by the Police Department.

The Purchasing Division recommends accepting the bid by Spectrolab, Inc. at \$52,372.32 including applicable use tax. **(Sole Source)**

- \*f. Three-year supply contract for steel refuse containers as requested by the Solid Waste Division.

The Purchasing Division recommends accepting the low bid by Auerbach Products at \$103,304.90 including applicable use tax and based on estimated annual requirements.

- \*g. Plant Effluent Pump Installation, Northwest Water Reclamation Plant. City of Mesa Project No. 02-086.

This project proposes to construct a pump station at the Northwest Water Reclamation Plant (NWWRP). This pump station will pump excess reclaimed water through the reclaimed pipeline to its points of re-use or recharge to the east. Features of this project include four pumps and all associated electrical, control equipment, and piping to connect to the reclaimed pipeline.

Recommend award to low bidder, The Industrial Company, in the amount of \$915,063.00, plus an additional \$91,506.30 (10% allowance for change orders), for a total award of \$1,006,569.30.

- h. Rehabilitation of the Range Rider No. 1 (South) and County Line No. 2 (1,800 Ft) Reservoirs. City of Mesa Project No. 01-130.

This project proposes to complete the following improvements: access road rehabilitation and stabilization at both reservoir sites through the installation of cement treated base and chip seals; exterior tank repainting, ladder access door replacement and disinfection at both tanks, and interior tank refinishing at the County Line No. 2 reservoir.

Recommend award to low bidder, Hunter Contracting, in the amount of \$296,829.50, plus an additional \$29,682.95 (10% allowance for change orders), for a total award of \$326,512.45.)

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

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

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

Upon tabulation of votes, it showed:

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

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

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

- \*i. Gilbert Road Wall Extension, South of Lehi Road. City of Mesa Project No. 98-11.1.

This project proposes to complete the remaining 136 feet of 8-foot high residential screen wall to eliminate the gap at this residence.

Recommend award to low bidder, G & G Construction, in the amount of \$16,684.00, plus an additional \$1,668.40 (10% allowance for change orders), for a total award of \$18,352.40.

- \*j. Lindsay Booster Pump Station Switchgear Improvements. City of Mesa Project No. 02-29.

This project proposes to replace the variable frequency drives and motor control centers, upgrade the control panels and switchgear, and replace wiring and other electrical appurtenances at the Lindsay Booster Pump Station to improve operational efficiency and reliability.

Recommend award to lowest responsible bidder, Sturgeon Electric Co., in the amount of \$876,267.00, plus an additional \$87,627.00 (10% allowance for change orders), for a total award of \$963,894.00.

- \*k. Annual Gas Main and Services Installation Contract as requested by the Gas Division of the Utilities Department.

This agreement is for a contract involving labor and installation equipment only for the installation of natural gas piping in new subdivisions.

Recommend award to low bidder, Mastec North America, Inc., in the amount of \$360,691.50 and to NPL Construction Company, as a backup contractor, in the amount of \$364,952.75.

- \*l. Scheduling Software for the Customer Information System as requested by the Information Services Division.

The Purchasing Division recommends accepting the only bid from AppWorx Corporation, for a total of \$73,920.00, including applicable sales tax. **(Sole Source)**

6. Introduction of the following ordinances and setting November 18, 2002 as the date of public hearing on these ordinances:

- \*a. Amending Sections 2-4-1, 2-4-2, 2-71, 2-7-2, and 2-16-2 of the Mesa City Code pertaining to the Parks and Recreation Board, the Library Advisory Board and the Museum and Cultural Advisory Board regarding requiring Boardmembers to be Mesa residents.
- \*b. Amending various sections of the Mesa City Code regarding the following traffic modifications:
  - \* Special Stops Required, Mesquite from Mountain Road to Meridian Road.
  - \* No Parking 8:00 a.m. to 4:00 p.m. on school days, Hackamore Circle from Lindsay Road to a point 184 feet east of Lindsay Road.
- \*c. Amending Sections 1-12-5 relating to waiver of fees, 1-27-8 relating to Hearing Officers, 6-4-16A relating to vicious dogs, repealing Section 10-7-3 relating to appointment of Hearing Officers, and adding new Section 1-12-8, Mesa City Code relating to the appointment of Civil Traffic Hearing Officers.

7. Consider the resolutions:

- a. Authorizing the City Manager to execute an Intergovernmental Agreement with the Arizona Department of Transportation to accelerate adding general lanes to the Superstition Freeway from Price Road to Val Vista Drive – Resolution No. 7920.

Assistant Development Services Manager Jeff Martin addressed the Council relative to this agenda item and provided a brief overview of the nearly completed Superstition Freeway

widening project between Price Road and Val Vista Drive. He stated that the City has successfully added two general lanes, as well as one High Occupancy Vehicle (HOV) lane; that the projected six-year construction timetable was reduced to 18 months; that rubberized asphalt, which was applied to the road surface, has significantly reduced freeway noise, and that of the \$10.9 million cost for the construction of the general lanes, the City has agreed to fund \$2.3 million to cover interest charges.

Mr. Martin displayed a map in the Council Chambers depicting Phase Two of the Superstition Freeway construction project which extends from Val Vista Drive to Power Road, and Phase Three, the Superedtan traffic interchange (TI), which will connect the US 60, Red Mountain and Santan Freeways. He explained that at the conclusion of the Superedtan TI, the US 60 will be widened through the City of Mesa to Crismon Road.

In response to a question from Councilmember Jones, Mr. Martin clarified that Mesa is funding only \$2.3 million in interest costs to accelerate the construction of the general lanes, and added that the amount is approximately one half of the City's original estimate for the project.

Councilmember Walters stressed the fact that as part of the Quality of Life program, Mesa voters approved funding for various freeway accelerations.

Discussion ensued relative to the fact that to date, the City has committed to spend an estimated \$7.2 million in Quality of Life funds for three freeway accelerations; that although Mesa has no proposed freeway accelerations scheduled at the present time, future funding may be allocated at the Santan Freeway in the vicinity of Williams Gateway Airport; and the status of the future TI at Val Vista Drive.

Councilmember Griswold, Vice Mayor Kavanaugh and Councilmember Thom commended staff for their efforts and hard work regarding this issue and also the foresight of the previous Council for utilizing leverage financing to accelerate freeway construction.

It was moved by Councilmember Whalen, seconded by Vice Mayor Kavanaugh, that Resolution No. 7920 be adopted.

Carried unanimously.

- \*b. Approving the appointment of Orion Goff as Building Official – Resolution No. 7919.
- c. Designating a Special Election date and purpose: designating the deadline for voter registration; and establishing polling place hours for the purpose of increasing the sales tax and dedicating those funds to provide for various transportation expenditures.

Mayor Hawker announced that this is the time and place for a public hearing regarding the proposed designation of a Special Election.

Jim Davidson, 2542 East Lynwood, Co-Chairman of the Transportation Citizen Advisory Committee (TCAC), addressed the Council relative to this agenda item. He reiterated his remarks from previous presentations to the Council regarding the recommendations of the TCAC.

Mr. Davidson stated that it remains the unanimous opinion of the TCAC that Mesa is significantly lagging behind other cities of a similar size in providing transportation services that will attract sustainable economic development and offer needed services and choices to its citizens; that reliable transit service is vital for a large segment of the community who must rely on such modes of transportation for independent living and employment; that it is imperative that the Council refer a ballot measure to Mesa voters in March 2003 to consider increasing the sales tax rate by one-quarter cent for three years and an additional one quarter cent for the remaining 22 years of the program; that the sales tax would sunset after 25 years; that the revenues would be placed in a separate fund that will only be used for transportation purposes, and that the existing Mesa Transportation Advisory Board will oversee an annual audit to guarantee that the projects funded in accordance with this measure are completed in a timely and cost effective manner.

Mr. Davidson commented that he is confused by recent newspaper accounts which report that the Council is reluctant to proceed forward with the TCAC's recommendation to place this issue on a ballot for Mesa voters to decide based on input that has been received from local automobile dealers and business owners. He also noted that Phoenix, Tempe and Glendale have been successful in passing sales tax increases for the purpose of transportation expenditures.

Mr. Davidson concluded his remarks by stating that if Mesa residents are not given the opportunity to vote on this issue in March 2003, the time delay will push the City further behind in its efforts to fund needed transportation infrastructure and transit service programs.

The following citizens, in order of appearance, spoke in support of a sales tax increase to fund various transportation expenditures:

Sheila Mitton	1615 West Pueblo Avenue
Mary Hartle-Smith	220 North 22 <sup>nd</sup> Place
Mike Smith	220 North 22 <sup>nd</sup> Place
Donna Kruck	225 East 1 <sup>st</sup> Street

Citizens who spoke in support of a sales tax increase expressed the following opinions:

- It is imperative that Mesa has an efficient public transportation system in place to serve the needs of individuals with disabilities, senior citizens, students and those citizens who cannot afford to own personal vehicles.
- A reliable transportation system is critical in order to attract economic development, as well as job development within the community.
- An improved transit system would reduce pollution levels throughout the City by eliminating the need for citizens to utilize their personal vehicles.
- An increased sales tax will support a much needed transportation system that will benefit the entire community.

Mayor Hawker advised that Beverly Selvage, 2627 South Hibiscus, submitted a card and expressed support for submitting this issue to the voters of Mesa, but did not wish to speak.

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

Councilmember Whalen, Chairman of the Transportation Committee, provided the Council with a brief chronology of this agenda item. He also voiced appreciation to the members of the TCAC, and in particular, Co-Chairmen Jim Davidson and Craig Ahlstrom, for their hard work and dedication relative to this important issue. Councilmember Whalen stated that in the two weeks since the Council elected to postpone taking action on this matter, he has had the opportunity to meet with various Mesa business leaders and citizens, and that as a result of those meetings, he has concluded that it would not be prudent at this time for the Council to refer a ballot measure to Mesa voters in March 2003 to consider increasing the sales tax rate for transportation purposes.

Councilmember Jones, Chairman of the Finance Committee, provided the Council with a brief analysis of the City's current operating budget. He explained that if a sales tax increase were implemented, the City's current rate would increase to 1.75%, thereby jeopardizing Mesa's ability to compete with other East Valley cities for sales tax revenues.

Transportation Planning Administrator Kevin Wallace addressed the Council and provided a brief synopsis of the anticipated impact on Mesa's current transportation and transit service program if a March 2003 election to consider an increase in the City's sales tax rate was deferred. He advised that if a quarter cent sales tax increase was imposed, over the next three years Mesa would generate an estimated \$60 million in revenue that would be dedicated for transportation purposes.

Mr. Wallace commented that if the dedicated sales tax increase was eliminated, Mesa would be unable to "catch up" on various operations and maintenance projects that have been deferred for the past five years and that several existing programs would be reduced and/or eliminated; that assuming the City received additional bonding authority from Mesa voters, the City could issue additional debt to fund the most critical capital street projects; that all Town Center and bicycle and pedestrian improvements would be deleted; that all new transit service as recommended by the TCAC would be deleted and/or eliminated over the next three years and that staff would attempt to maintain existing services; that it would be necessary to return 20 City buses due to a reduced bus service schedule; that existing transit routes would be reduced, and that Dial-A-Ride service would be eliminated as well.

Mayor Hawker thanked Mr. Wallace for the presentation.

Councilmember Walters voiced appreciation to Mr. Davidson and Mr. Ahlstrom and the entire TCAC for their hard work. She also thanked the speakers who attended tonight's meeting and provided insightful input. Councilmember Walters noted that at the present time, she would prefer that the Council postpone a March 2003 election calling for a sales tax increase so that Mesa residents may become more informed relative to the City's transportation issues, as well as the recommendations of the TCAC.

It was moved by Councilmember Walters, seconded by Councilmember Griswold, that this item be placed on the agenda of the first Regular Council Meeting in September 2003 for the purpose of discussing the possibility of increasing Mesa's sales tax and dedicating those funds solely for transportation infrastructure and transit service programs.

Councilmember Thom commented that although she sympathizes with the plight of Mesa's elderly and handicapped citizens relative to the lack of adequate public transit, in her review of

the Transportation Plan, she has become aware of the fact that the document does not provide sufficient bus routes in many retirement and low income housing areas of Mesa. She also stated that the City has expended limited funds in order to qualify for State-shared revenues, and that in her opinion, Mesa should reprioritize its budget for the purpose of repairing, resurfacing and widening City streets. Councilmember Thom outlined several unsuccessful ballot measures which were referred to Mesa voters regarding tax increases and commented that the citizens of Mesa voiced opposition to a tax increase in the past and will continue to do so in the future.

Mayor Hawker expressed opposition to proceeding forward with a March 2003 Special Election for the following reasons: it is inappropriate for Mesa to have a sales tax increase due to the current downturn in the nation's economy; it would be his preference to explore alternative funding sources to bridge the current \$2.4 billion shortfall; it is crucial that Mesa continue to have a sales tax rate which is comparable to those of other East Valley communities, and that a Special Election would cost the City approximately \$250,000.

Councilmember Griswold concurred with Councilmember Walters and Mayor Hawker's comments and stated that he would prefer to postpone consideration of this issue in order to pursue other funding sources and to educate Mesa residents regarding this matter.

Vice Mayor Kavanaugh voiced opposition to the motion and commented that over the last two and a half years, Council and staff have engaged in an ongoing dialogue with the citizens of Mesa relative to the identification and prioritization of the City's most important transportation and transit needs. He commented that he does not want the Council's actions this evening to be viewed as a total disregard of the recommendations of the citizen groups and staff that crafted the Transportation Plan, nor of the TCAC's recommendations, which were presented to the Council only after extensive dialogue and community input. Vice Mayor Kavanaugh concluded his remarks by stating that Mesa voters rather than special interest groups should determine the City's transit and transportation priorities.

Councilmember Whalen stated that he would prefer that the March 2003 Special Election be postponed in an effort to educate Mesa citizens with regard to the City's transportation needs to ensure that an overwhelming victory takes place when the issue is actually referred to a ballot.

Councilmember Thom expressed opposition to the motion and questioned whether those Councilmembers running for reelection in March 2004 would feel comfortable with the inclusion of a ballot measure relative to a sales tax increase at that time.

Councilmember Jones voiced support for the motion and issued a challenge to staff to explore alternative public transit options for those individuals who are most severely affected by the lack of service. He also encouraged staff to launch a promotional campaign encouraging consumers to spend their sales tax dollars in the City and to make Mesa a more "business friendly" community.

Upon tabulation of votes, it showed:

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

Mayor Hawker declared the motion carried by majority vote.

Mayor Hawker thanked the speakers and staff for their input.

8. Consider the following ordinance:

- a. Amending Section Chapter 11-18 of the Zoning Ordinance to a new section 11-18-15 regarding: A Citizen Participation Plan requirement for public hearing cases – Ordinance No. 4024.

Vice Mayor Kavanaugh provided the Council with an historical overview of this agenda item. He reported that in 1998, the Council adopted the Citizen Participation Guidelines, which provided for citizen outreach for Planning and Zoning cases; that in 1998 and 2000, Growing Smarter legislation was enacted by the State legislature which required that cities, via ordinance, adopt a citizen participation process; that earlier this year, the Council directed staff to incorporate the Mesa's Citizen Participation Guidelines into an ordinance; that the proposed Citizen Participation Ordinance is the culmination of countless hours of work by staff, and that the Ordinance received the unanimous recommendation of the Planning and Zoning Board (P&Z), as well as the Downtown Development Committee (DDC).

Vice Mayor Kavanaugh commended Planning Director Frank Mizner, Planner II Anne Blech, and the entire Planning Division staff for their hard work and diligence in the creation of a document that will serve as a model for other communities regarding the citizen participation process.

It was moved by Vice Mayor Kavanaugh, that Ordinance No. 4024 be adopted.

Jack Hannon, 736 South Macdonald, representing the Nuestro Neighborhood, addressed the Council and expressed support for the Citizen Participation Ordinance. He stressed the importance of ensuring that the citizens of Mesa are apprised of pending Planning and Zoning applications and are also afforded the opportunity to participate in the process.

Carol Owens, P.O. Box 1017, Apache Junction, concurred with the comments of the previous speaker. She also commended Senior Planner Jo Ferguson for responding in a prompt and courteous manner to her recent inquiries regarding this issue.

Councilmember Walters thanked Vice Mayor Kavanaugh for his persistence and passion in initiating the proposal in 1998 relative to the creation of the Citizen Participation Guidelines.

Councilmember Walters seconded Vice Mayor Kavanaugh's motion.

Mayor Hawker stated that although he initially had concerns that the Citizen Participation Guidelines would delay the Planning and Zoning process and increase costs to the applicant, he concurs that citizen outreach is a necessary component in the process.

In response to a question from Mayor Hawker, Planning Director Frank Mizner clarified that in his experience, the Citizen Participation Guidelines do not lengthen the zoning application process. He also stated that many developers and zoning attorneys engaged in the citizen

participation process prior to the Guidelines' adoption by the Council, and added that staff has received numerous positive comments from Mesa residents who support the practice.

Mayor Hawker expressed support for the motion and also commended Vice Mayor Kavanaugh for his dedication regarding this issue.

Councilmember Griswold concurred with the comments of the other Councilmembers and voiced support for the motion.

Councilmember Thom expressed opposition to the motion and stated the opinion that the Ordinance would result in increased costs to landowners and applicants, and lengthen the zoning application process.

In response to Councilmember Thom's comments, Vice Mayor Kavanaugh commented that in order to comply with the Arizona Growing Smarter legislation, the City is required by ordinance to adopt a citizen participation process. He also suggested that the Ordinance could be shared with Maricopa County in an effort to improve planning and zoning decisions relative to County islands that affect the City of Mesa.

In response to a question from Ms. Owens, Mr. Mizner explained that in accordance with the proposed Ordinance, citizens will be notified of upcoming public meetings to be held in their area. He suggested that if Ms. Owens contacts him or his staff, she will be provided with a list of public hearings in her area.

Upon tabulation of votes, it showed:

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

Mayor Hawker declared the motion carried by majority vote and Ordinance No. 4024 adopted.

\*9. Consider adopting a Notice of Intention to establish and update Development Impact Fees, and to set January 6, 2003 as the date for the public hearing. (CONTINUED FROM THE JUNE 24, 2002 CITY COUNCIL MEETING).

10. Consider the following recommendations from the Finance Committee:

- \*a. Deleted.
- \*b. Recommend approving staff's recommendation to limit the amount of time that the City will retroactively make adjustments to a utility bill to three years from the date the error was detected, or to the date the error occurred, whichever is less.
- c. Recommend approving staff's recommended policies to address issues associated with customers' use of credit cards as payment for City services.

It was moved by Councilmember Walters, seconded by Mayor Hawker, that staff's recommendations relative to issues associated with City acceptance of credit cards Citywide as payment for City services be approved, but that staff be directed to prepare recommendations

for future Council discussion relative to proposed minimum/maximum fee structures and all other available options associated with credit card transactions.

Carried unanimously.

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

- \*a. **Z02-26** The northwest corner of Brown and Ellsworth Roads (12.17 acres). Site Plan Modification. This case involves the development of a pharmacy. The Gustine Company, owner; Withey, Anderson, & Morris, P.L.C., applicant – Ordinance No. 4022.

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

1. Compliance with the basic development as described in the project narrative and as shown on the site plan, preliminary plat and elevations submitted, (without guarantee of lot yield, building count, lot coverage) except as noted below.
2. Pad B shall maintain a minimum one hundred (100) feet building setback or lesser distance deemed appropriate, with review by the Planning and Zoning Board and approval by the City Council.
3. Construction of 8-foot theme wall and installation of required landscaping along the entire north property line to be completed no later than the development of Pad A (major anchor).
4. Review and approval by the Planning and Zoning Board, Design Review Board and City Council of future development plans.
5. Compliance with all City development codes and regulations.
6. Compliance with all requirements of the Development Services Department (Engineering, Traffic Engineering, Solid Waste and Facilities, etc.).
7. 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.
8. Compliance with the following terms of the memo dated October 7, 2002 from Dorothy Chimel to Frank Mizner; this memo is incorporated into the ordinance by reference.
  - a. The CVS retail store (within Phase 1) off-site improvements to include:
    - a.1 The entire length of Ellsworth Road, north to the Glencove Avenue.
    - a.2 Along Brown Road, off-site improvements for the entire length of Phase 1, to include that area identified within the Pad D parcel.
    - a.3 Curb, gutter and paving, only, along Brown Road from the western edge of Phase 1 to the western boundary of Phase 2. The City will participate in the extra width of Brown Road beyond the developer's standard requirements through City share.
  - b. Phase 2 off-site improvements to include:
    - b.1 Along Brown Road, the remainder of all off-site improvements such as the sidewalk, landscaping, etc.
    - b.2 Glencove Avenue improvements, excluding the streetlights. The additional right-of-way required is to be 15 feet with a 4-foot PUF. Further, approximately 13 feet of additional paving, curb and gutter will be required on the south side of the existing street.

9. Install new perimeter landscaping per Code and maintain native vegetation per Native Plant Preservation Plan (all Ellsworth frontage, CVS property frontage adjacent to Brown Road, and excluding Glencove Avenue frontage) with the first phase of construction.
10. Compliance with all requirements of the Subdivision Technical Review Committee and Land Split Regulations.
11. Compliance with all requirements of the Design Review Board.
12. All pad buildings to be architecturally compatible with the center.
13. Retention basins to be designed in accordance with requirements of Mesa Zoning Ordinance.
14. Installation of interim landscaping north of the proposed CVS store, subject to review by Design Review Board.

- \*b. **Z02-31** The southeast corner of Baseline Road and Roslyn (1.1 acres). Site Plan Modification. This case involves the development of multi-tenant retail. Joseph C. Cattaneo, owner; Kristjan Sigurdsson, K&I Architects & Interiors, LLC, applicant – Ordinance No. 4023.

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

1. Compliance with the basic development as described in the project narrative and as shown on the site plan, and elevations submitted, (without guarantee of lot yield, building count, lot coverage, or square footage) 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, or at the time of the City's request for dedication, whichever comes first.
5. All street improvements and perimeter landscaping to be installed with construction of subject building.
6. Compliance with all requirements of the Design Review Board.
7. This pad building to be architecturally compatible with the center.
8. Owner granting an Avigation Easement and Release to the City pertaining to Williams Gateway Airport, which will be prepared and recorded by the City prior to the issuance of a building permit.
9. Retention basins to be 6:1 slopes maximum when adjacent to public rights-of-way or pedestrian walkways.

12. Consider the following subdivision plat:

- \*a. "VILLAGE AT HAWES", – (Council District 6) – 3055 South Hawes Road (east side) 66 R-2 PAD twin homes (11.24 acres) Village at Hawes, L.L.C., owner; LanDev Engineers, LLC., engineer.

13. Items from citizens present.

There were no items from citizens present.

14. Adjournment.

Without objection, the Regular Council Meeting adjourned at 8:03 p.m.

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KENO HAWKER, MAYOR

ATTEST:

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BARBARA JONES, CITY CLERK

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the Regular Council Meeting of the City Council of Mesa, Arizona, held on the 4<sup>th</sup> day of November 2002. 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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