

# COUNCIL MINUTES

June 30, 2003

The City Council of the City of Mesa met in a Regular Council Meeting in the Council Chambers, 57 East 1st Street, on June 30, 2003 at 5:45 p.m.

## COUNCIL PRESENT

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

## COUNCIL ABSENT

None

## STAFF PRESENT

Mike Hutchinson  
Debbie Spinner  
Barbara Jones

Invocation by Pastor Nels H. Larsen, Community of Christ Church.

Pledge of Allegiance was led by Kyle Jones.

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 Griswold, that the consent agenda items be approved.

Carried unanimously.

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

Minutes from the April 24, June 2, June 26, 2003 City Council Meetings.

3. Conduct a public hearing on the proposed Fiscal Year 2003-04 Budget Plan (see Item No. 9a for budget information).

Mayor Hawker announced that this is the time and place for a public hearing regarding the proposed Fiscal Year 2003-04 Budget Plan.

Budget Director Jamie Warner referred to the three-page legal budget that is before the Council this evening and noted that the operating budget is \$618.2 million less than the tentative budget adopted by the Council on June 2, 2003. He reported that the total budget amount is \$763.7 million, \$14 million less than the tentative budget and \$40 million or 5% less than the Fiscal Year 2002-03 budget.

Mayor Hawker thanked Mr. Warner for his brief remarks and asked if there were any citizens present wishing to speak on the budget.

Brian Bender, 225 West 1<sup>st</sup> Street, #127, stated that he is tired of governments spending so much money and noted recent problems experienced by the City of Mesa. He urged the members of the Council to become more "fiscally prudent" and thanked them for the opportunity to present his remarks.

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

4. Conduct a public hearing concerning the Five-Year Capital Improvement Program for Fiscal Years ending 2003-2008 (see Item No. 9b for program information).

Mayor Hawker announced that this is the time and place for a public hearing regarding the Five-Year Capital Improvement Program for Fiscal Years ending 2003-2008.

Mayor Hawker asked if there were any citizens present wishing to speak on the Five-Year Capital Improvement Program and there being no citizens present wishing to speak on this issue, the Mayor declared the public hearing closed.

5. Conduct a public hearing concerning electric, natural gas, wastewater, water, and solid waste rates, rate components, fees and/or service charge increases (See Item No. 11 for rate information).

Mayor Hawker announced that this is the time and place for a public hearing regarding electric, natural gas, wastewater, water and solid waste rates, rate components, fees and/or service charge increases.

Mayor Hawker asked if there were any citizens present wishing to speak on the electric, natural gas, wastewater, water and solid waste rates, rate components, fees and or service charge increases and there being no citizens present wishing to speak on this issue, the Mayor declared the public hearing closed.

6. Consider the following liquor license applications:

- \*a. MANHARLAL DEVENDRAKUMAR, AGENT

New Beer and Wine Store License for Main Stop Fuel & Food, 2760 E. Main Street, Suite 104. This is an existing business. The Beer and Wine Store License previously held at this location by Jitendrakumar Kantilal Patel, Agent, Kashmira Enterprises Inc., will revert back to the State.

\*b. SUBHASH KUMAR THATHI, AGENT

New Beer and Wine Store License for 7-Eleven #22664F, 1155 S. Country Club Drive. This is an existing business. The Beer and Wine Store License previously held at this location by Patricia Ann Norris, Agent, 7-Eleven Inc., will revert back to the State.

c. DONALD DAVENPORT, INDIVIDUAL

New Restaurant License for Sammy B's Pizza, 3655 E. Southern Avenue, Suite B-1. This is an existing business. The Restaurant License previously held at this location by Christopher John Halvorsen, Agent, Chris's Pizza LLC, will revert back to the State.

In response to a request for input relative to this agenda item, Tax & Licensing Administrator Don Ayers explained that the applicant had not submitted the required paperwork and had not paid the required fees and therefore staff was recommending that the Council vote to deny the request for the license. He explained that a verbatim transcript of the Council's discussion relative to this issue would be prepared and sent to the State Department of Liquor Licenses and Control along with the Council's recommendation for denial.

It was moved by Councilmember Walters, seconded by Councilmember Jones, that the applicant's request for the issuance of a new Restaurant License for Sammy B's Pizza be denied, based on the reasons outlined by staff. MOTION CARRIED UNANIMOUSLY.

7. Consider the following contracts:

\*a. Three-year supply contract for related asphalt materials & crack sealant as requested by the Transportation Division.

The Purchasing Division recommends accepting the low bids as follows:

Groups I, II, and III to Ergon Asphalt Products for annual purchases estimated at \$1,056,844.25 including applicable sales tax.

Group IV to CrafcO, Inc. for annual purchases estimated at \$55,104.67 including applicable sales tax. The combined award is then \$1,111,948.92 based on estimated annual requirements.

\*b. Three-year contract for custodial services at various City buildings as requested by the Development Services Department.

The Evaluation Team and Purchasing Division recommends accepting the proposal by Management Cleaning Controls (MCC) for annual expenditures estimated at

\$491,223.00. Management Cleaning Controls (MCC) received the highest evaluated score of 2509 out of 3050 maximum points.

- \*c. Automated fingerprint identification system upgrade as requested by the Police Department.

The Purchasing Division recommends accepting the bid by Sagem Morpho, Inc. at \$51,218.11 including applicable use tax. **(Sole Source)**

- \*d. Two-year renewal of the supply contract for gas meter and service valves for Materials & Supply Division Warehouse inventory to be used by the Utilities Department.

The Purchasing Division recommends exercising the two-year renewal with the original low bid, Dresser, Inc., at \$10,697.97 including applicable use tax based on estimated annual requirements. Dresser, Inc. is has agreed to renew at the same prices, terms and conditions.

- \*e. ImageQUEST Colposcopy video system as requested by the Police Department.

The Purchasing Division recommends accepting the bid by CooperSurgical at \$29,166.72 including applicable use tax. (This purchase is 100% grant funded by the Arizona Governor's Community Policy Office). **(Sole Source)**

- \*f. Three-year contract for landscape maintenance services at various aquatics facilities as requested by the Parks & Recreation Division.

The Purchasing Division recommends accepting the low bid by Somerset Landscape Maintenance, Inc. at \$18,784.00 based on estimated annual requirements.

- \*g. Three-year supply contract for perennial ryegrass seed as requested by the Parks and Recreation Division.

The Purchasing Division recommends accepting the low bid by Simplot Partners at \$87,144.82 including applicable sales tax based on estimated annual requirements.

- \*h. Three-year supply contract for ultraviolet wastewater disinfection lamps as requested by the Utilities Department.

The Purchasing Division recommends accepting the bid by Trojan Technologies at \$60,871.80 including applicable use tax. **(Sole Source)**

- \*i. Wastewater lift station pumps as requested by the Waste Water Division of the Utilities Department.

The Purchasing Division recommends accepting the bid by James, Cooke & Hobson, Inc. at \$49,213.61 including applicable sales tax. **(Sole Source)**

- \*j. Ten workstations and two desk enclosures for the Museum for Youth as requested by Development Services.

The Purchasing Division recommends authorizing purchase from the State of Arizona contract with Goodman's, Inc. at \$28,106.19 including design, installation, delivery and applicable sales tax.

- \*k. One patrol sedan for the Police Department's aggressive driving abatement program.

The Purchasing Division recommends authorizing purchase from State of Arizona contract with Midway Chevrolet at \$23,163.97. (This purchase is 100% grant funded by the Governor's Office of Highway Safety).

- l. Gas Line Replacement for Palm Gardens Mobile Home Manor (2929 East Main Street). City of Mesa Project No. 02-079.

This project proposes to install 6,750 lineal feet of 2-inch polyethylene gas pipe and 5,100 lineal feet of ½-inch gas service piping to replace 106 existing gas services within a trailer park.

Recommend award to low bidder, MASTEC North America, Inc., in the amount of \$247,168.80 plus an additional \$24,716.88 (10% allowance for change orders) for a total award of \$271,885.68.

Mayor Hawker indicated that he had a potential conflict of interest in connection with this agenda item and therefore would refrain from participating in any discussion/action regarding this matter.

It was moved by Councilmember Whalen, seconded by Councilmember Walters, that staff's recommendation be approved. MOTION CARRIED UNANIMOUSLY BY THOSE VOTING (6-0, with Mayor Hawker abstaining from the vote).

- \*m. Re-Roof Various City Buildings, Phase 2. City of Mesa Project No. 02-902-002.

This project proposes to remove and replace the modified bitumen roofing on four different buildings, including the Central Arizona Project Water Treatment Plant Administration Building, East Mesa Service Center Warehouse, and two buildings at Shepherd Pool.

Recommend award to low bidder, Progressive Roofing, in the amount of \$237,535.00 plus an additional \$23,753.50 (10% allowance for change orders) for a total award of \$261,288.50.

- \*n. Re-Roof Various City Buildings, Phase 3. City of Mesa Project No. 02-902-003.

This project proposes to remove and replace the modified bitumen roofing on four different buildings, including the Dobson Branch Library, City Court and two buildings at the Center Against Family Violence.

Recommend award to low bidder, Starkweather Roofing, Inc., in the amount of \$196,495.42, plus an additional \$19,649.54 (10% allowance for change orders) for a total award of \$216,144.96.

- \*o. South Center Street Complex Emergency Evacuation System. City of Mesa Project No. 02-230-001.

This project proposes to install speakers, amplifiers, microphones and all necessary conduit and wiring to have a functional emergency alert system that provides coverage for the entirety of each building.

Recommend award to low bidder, Copperstate Technologies, Inc., in the amount of \$33,920.00, plus an additional \$3,392.00 (10% allowance for change orders) for a total award of \$37,312.00. Although Copperstate Technologies was the only bidder for the project, staff feels their bid is acceptable.

- \*p. Dual voltage pole top transformers as requested by the Electric Division.

The Purchasing Division recommends accepting the bid with the lowest evaluated life cycle cost by Young Power Equipment Company at \$51,743.00 plus 7.7% sales tax of \$3,984.21 for a total of \$55,727.21.

8. Introduction of the following ordinances and setting July 7, 2003 as the date of public hearing on these ordinances:

- \*a. **A02-8** (District 5) Annexing north of Main Street and west of Power Road. (2.58± acres). Initiated by the property owners.
- \*b. **Z03-21** (District 6) –The 6500-6600 blocks of East Superstition Springs Boulevard north side (6.92 ac. ±) Site Plan Modification. This case involves the development of two restaurant pad buildings and an office. Superstition Springs Investors Limited Partnership, owner; Robert Bacon, the RLB Group, applicant.
- \*c. **Z03-22** (District 6) –11202 E. Germann Road (227 ac. ±). Council Use Permit. This case involves the modification of an existing Council Use Permit for a land division and reduction of the CUP area. Will Rogers, owner; John Larowe, applicant.
- \*d. **Z03-23** (District 6) –The 11200 blocks of East Kilarea (11.87 ac. ±) Rezone from R1-6 PAD DMP to R-2 PAD DMP. This case involves the second phase development of the Sunland Springs Village golf condominiums. Farnsworth Development, owner and applicant.
- \*e. Amending various sections of the Mesa City Code regarding the following traffic modifications:

Prohibiting Parking Full Time: 10-3-24

On the west side of Serrine from First Avenue to a point 135 feet north of First Avenue.

Prohibiting Parking on School Days, 8:00 a.m. to 4:00 p.m.

On the south side of Fountain Street from 26<sup>th</sup> Street to a point 97 feet west of 26<sup>th</sup> Street.

On the west side of 26<sup>th</sup> Street from Fountain Street to a point 123 feet south of Fountain Street.

- \*f. Modifying the Terms and Conditions for the sale of utilities regarding the point-in-time that a utility bill is considered past due and when a late fee is assessed to an unpaid balance.

9. Consider the following resolutions:

- a. Approving a budget for Fiscal Year ending June 30, 2004 – Resolution No. 8053.

Mayor Hawker advised that two citizens, Steve and Sheila Mitton, had submitted speaker/comment cards indicating their opposition to approving the budget, but did not wish to speak at this time.

Councilmember Thom commented on the fact that it would be very easy to approve this budget, since it is only a “guideline” but added that in order to balance the budget later in the meeting, the Council will be considering increasing utility rates. She said that it would be impossible to balance the budget without increasing those rates and added that this issue has concerned her for many years. She expressed the opinion that utility rates have been increased year after year and that this type of action represents a “lack of respect” for the citizens and a lack of planning.

Councilmember Thom discussed her opposition to increases in utilities and noted the negative impact such increases have on members of the community, particularly senior citizens who are forced to live on “fixed” incomes. She spoke in support of generating more sales tax dollars in the future and using those funds to operate the City rather than continuing to increase utility rates in the City of Mesa. She also commented on decreasing impact and development fees and expressed the opinion that this may be the result of the City’s own actions because the industry does not want to spend what the City is requiring.

Councilmember Griswold commented that the proposed budget represents a “ceiling” budget and said that this is the most amount the City can spend and the most it can be raised. He reported that the City has spent approximately 91% of its budget over the last ten years (approximately 78% last year). He added that although he too is against increases in utility rates, he will vote in support of this as a “ceiling” budget.

Councilmember Walters noted that the entire budget process has been an extremely difficult one and said that it was very hard to cut programs geared towards the City’s youth, but in difficult times, difficult decisions must be made. She discussed the fact that the City of Mesa has the best Parks and Recreation Department in the country, as attested to in a recent newspaper article, and since the budget is an “ongoing process” rather than a “one time occurrence,” it is her hope that in the future the City’s financial situation will improve enough to allow the reinstatement of some of the youth programs that the Council was forced to eliminate.

Councilmember Walters also commented on the fact that all of the members of the City Council are extremely supportive of public safety and assured the citizens that public safety measures are in place and will not be affected. She also pointed out that impact fees in the City of Mesa are significantly lower than those in effect in other communities and stressed that unlike a majority of neighboring municipalities, the City of Mesa does not have a property tax in place that provides revenues to support the ongoing operations of the City. She noted that Mesa remains the least expensive Valley city of its size in which to live and questioned whether that is really a positive point. She indicated that she would vote in support of the proposed budget.

Vice Mayor Kavanaugh said that he would support the budget as well and agreed that the process has been an extremely difficult one. He commented on the fact that the City's revenues are limited and clarified that utility rates are not increased each year and they are not "uniformly raised." He stressed that the City relies upon utilities as a key component of the budget and unless and until other sources are identified or increased, the City has no alternative but to proceed in this manner. He added that the proposed utility rates are less than what had been recommended and is the result of extensive on-going efforts on the part of City staff who have worked extremely hard in an effort to prepare and present a balanced budget. He commended everyone on their hard work. He agreed with Councilmember Walters' comment relative to reinstating programs if the economy continues to improve and emphasized that the City has maintained core services, specifically in the area of public safety.

Councilmember Whalen stated the opinion that the City's public safety component remains in good condition in the "sworn" position area but added that needs do exist in the civilian areas of the departments. He added that he too is concerned with cuts that had to be made in youth programs said that he believes the schools and other organizations will assist the City in providing as many programs as possible in order to "survive" these difficult economic times. He noted programs such as open gyms and pool programs that the Council has been able to make provisions for and added that he is encouraged by the increases he has seen in State revenues and hopes that the trend will continue and that the recession will end. He also commented on the importance of funding human service programs and the important role those organizations play in the entire community. He also emphasized the importance of working together to solve problems of mutual concern and thanked staff for their hard work in the budget area.

Councilmember Jones also commented on the difficulties associated with preparing a budget such as the one currently before the Council this evening and expressed his appreciation to everyone who was involved in the challenging process. He commented on the importance of continuing to increase the City's fund balance and agreed with previous comments that were made regarding initiating efforts in the future, when monies permit, to reinstate youth programs that the Council was forced to eliminate due to funding limitations. He said that other agencies have committed to help the City throughout these difficult times and agreed that change may be made in the future since the budget is not "set in concrete."

Mayor Hawker advised that he will support the budget as well and noted that public safety is his and the Council's highest priority. He stated that he has thoroughly enjoyed the diverse opinions and extensive discussions that have occurred among the members of the Council and staff during the entire budget process. He noted that the City has identified where it wants to be at "build-out" but emphasized the importance of determining "how to get there." He discussed plans to pursue this very important area and the importance of long-term planning and remaining fiscally responsible. He agreed with the importance of getting fund balances back to

the levels that they should be at and thanked everyone for their efforts to establish a “lean base line” in this time of economic challenge. He commended staff on their willingness to do everything possible to get through these hard times and said that he hopes that better times are ahead for everyone.

Motion carried by majority vote (6 to 1) with Councilmember Thom voting Nay.

- b. Approving a Five-Year Capital Improvement Program for Fiscal Years 2003-2008 – Resolution No. 8054.

It was moved by Vice Mayor Kavanaugh, seconded by Councilmember Walters, that the Five-Year Capital Improvement Program for Fiscal Years 2003-2008 be approved and that Resolution No. 8054 be adopted.

Carried unanimously.

- c. Modifying fees and charges for permitted parking throughout Mesa’s Town Center – Resolution No. 8055.

Councilmember Walters indicated that she had a conflict of interest in connection with the matter currently under discussion and said that she would refrain from all discussion/voting on this matter.

It was moved by Vice Mayor Kavanaugh, seconded by Councilmember Whalen, that the proposed fees and charges for permitted parking throughout Mesa’s Town Center be approved and that Resolution No. 8055 be adopted.

Motion carried unanimously by those voting (6 to 1) with Councilmember Walters abstaining from the vote.

- \*d. Modifying fees and charges for the Airport Division – Resolution No. 8042.
- \*e. Modifying fees and charges for the Engineering Construction Division – Resolution No. 8043.
- \*f. Authorizing the City Manager to execute documents to acquire real property at 705 and 711 East Broadway Road, with CDBG funds for Area V Community Asset & Resource Enterprise (CARE) – Resolution No. 8044.
- \*g. Authorizing the City Manager to execute necessary documents to acquire certain property at Mountain and Adobe Roads for future development of a neighborhood Park – Resolution No. 8045.
- \*h. Vacating an alley north of 6<sup>th</sup> Street between Spencer Circle and Matlock Street. This alley right-of-way is no longer required – Resolution No. 8046.
- \*i. Authorizing the City Manager to execute a Development Agreement for City Share reimbursement between Southern Greenfield CVS, LLC and the City of Mesa for

regional improvements that are being constructed in conjunction with the development of a CVS Pharmacy located at 1212 South Greenfield Road – Resolution No. 8047.

- \*j. Approving and authorizing the City Manager to execute a Development Agreement for City Share reimbursement between Wal-Mart Stores, Inc. and the City of Mesa for regional improvements that are being constructed in conjunction with the development of a Wal-Mart Store located at 4505 East McKellips Road – Resolution No. 8048.
- \*k. Authorizing the City Manager to execute a Development Agreement for City Share reimbursement between the Corporation of the Presiding Bishop of the Church of Jesus Christ of Latter-day Saints and the City of Mesa for regional improvements that are being constructed in conjunction with the development of a LDS Church located at 10305 East Southern Ave – Resolution No. 8049.
- \*l. Approving and authorizing the City Manager to execute an agreement between the Maricopa County Department of Transportation and the City of Mesa for the acquisition of right-of-way for Hermosa Vista Drive from 82<sup>nd</sup> Street to Hawes Road – Resolution No. 8050.
- \*m. Approving and authorizing the City Manager to execute an agreement between Maricopa County and the City of Mesa for operating expenses that support the operation of the County’s Special Transportation Services Program for FY 2003-04 – Resolution No. 8051.
- n. Approving and authorizing the City Manager to execute an agreement between Mesa Senior Services, Inc. and the City of Mesa for operating expenses that support the operation of the City’s Enabling Transportation Program for FY 2003-04 and FY 2004-05 – Resolution No. 8056.

Nola Baker Jones, speaking on behalf of the National Federation of the Blind, 1009 South Westwood, said that her organization supports the City’s Enabling Transportation Program but added the opinion that the program requires more work and more funding to ensure added flexibility and increased services. She noted a number of deficiencies that exist and asked the City and Council to research her concerns and initiate measures to provide added service and flexibility.

Nancy Burkhart, 2458 East Harmony Avenue, said that both she and her husband use wheelchairs and also spoke in support of the City’s Enabling Transportation Program. She concurred with the previous speaker’s remarks and said that she has concerns relative to reductions in bus routes and the length of some of the routes. She discussed difficulties associated with waiting for long periods of time in the hot sun for buses in areas that contain no covered shelters and advised that some of the buses can only accommodate two wheel chairs and therefore at times she and her husband were forced to travel separately or not travel at all. She too urged the Council to look into the issue and take steps to provide added service.

In response to a question from Councilmember Walters, Transit Administrator Jim Wright briefly discussed “taxi certificates,” and the fact that some of the City’s vehicles can accommodate up to three wheel chairs although ADA (Americans With Disabilities) regulations only require up to two.

Councilmember Walters agreed that this important areas should be looked into and urged staff to follow up on the concerns that have been expressed. She also thanked staff for the hard work they have expended to date to increase options and service for this important segment of the community.

It was moved by Councilmember Walters, seconded by Councilmember Thom, that Resolution No. 8056 be adopted.

Carried unanimously.

- \*o. Authorizing the sale of excess City property located on North Center Street, north of University – Resolution No. 8052.
- \*p. Modifying fees and charges for the Development Services Department and the Building Safety Division. **THIS ITEM WAS DELETED FROM THE AGENDA.**

10. Consider the following ordinance:

- a. Authorizing a fee increase for Abandonment Fees charged for extinguishing public easements, and Vacating Public Rights of Way.

Councilmember Walters explained that she had requested that this item be removed from the Consent Agenda and discussed concerns relative to this item, particularly the large increase in proposed fees. She stated that over the last couple of years, the City has been attempting to abandon more and more alleys in terms of trash pickup and said that just when we're getting more and more people to consider this, the fees are being increased. She questioned whether the fee amount could be decreased. She added that she does not want to discourage citizens from participating in this process and said that when 20 families are sharing the cost, it doesn't amount to that much, but if only one or two are involved, the amount is significant.

Development Services Manager Jack Friedline discussed staff's efforts to achieve full cost recovery and said that if the Council would like staff to waive the fee, they would pursue moving in this direction.

Additional discussion ensued relative to this issue.

It was moved by Councilmember Walters, seconded by Councilmember Griswold, that this item be sent back to staff for additional study and possible revisions to the alley abandonment issue and associated fees.

Vice Mayor Kavanaugh said that he would not vote in support of the motion and commented on the fact that the proposed rate increase is the first one in 19 years. He added that the costs are consistent with or less than what is being charged in other cities and noted that staff was charged with the responsibility of achieving "cost recovery" and their efforts should not be undermined. He added the opinion that the proposed approach is fair and appropriate.

Councilmember Thom said that she was originally alarmed because of the proposed rate increase and would support Councilwoman Walter's suggestion that staff conduct further

research into this issue and bring it back before the Council for additional discussion and consideration.

In response to a question from Councilmember Whalen, staff advised that approximately 15 such requests (combined residential and commercial) are received on an annual basis.

The Mayor said he will support delaying action on this item until additional research is conducted. He stressed the importance of achieving some type of balance in this area.

Motion carried by majority vote (6-1) with Vice Mayor Kavanaugh voting nay.

11. Consider resolutions and ordinances modifying rate schedules for the following utility services:

- a. Electric utility service – Resolution No. 8057, Ordinance No. 4079.

It was moved by Vice Mayor Kavanaugh, seconded by Mayor Hawker, that Resolution No. 8057 and Ordinance No. 4079 be adopted.

Councilwoman Thom reiterated previous comments relative to her opposition to increasing utility rates. She said that in talking to other cities, she has learned that their largest source of income is sales tax and said that she would like that same situation to exist in Mesa rather than continuing to rely on increased utility rates in order to operate the City.

Vice Mayor Kavanaugh said that he too would like to see more sales tax generated in the City of Mesa but noted that this is not the case at the current time and options are limited. He noted that this will be the first rate increase in ten years.

Councilmember Griswold commented that he would like to “spin off” the City’s electric and gas utilities and use those monies on the roads. He added that philosophically he is against increasing the utility rates. He added that decisions were made to finance the City in this manner and he is anxious to pursue other methods, other “models” in the future. He reported that less than 17% net dollars come from utilities.

Councilmember Jones discussed the fact that utility rates have not been raised in ten years and is within 2% of Salt River Project’s rate and is comparable to what is being charged by other utilities. He added that the amount of the increase was actually “decreased” by the Council and stated the opinion that increases should be tied to the “cost of living” index. He added the opinion that opposing the increase is unrealistic at this point in time but agreed on the importance of establishing a consistent, precise method of deciding exactly how much the increases will be and supporting a “cost of living” tie-in in the future.

Councilmember Walters commented on the fact that the decision regarding the current method of financing the City was made years ago and emphasized that no property tax exists in the City of Mesa. She added that there is no such thing “as a free lunch” and said until other sources are identified and in place, there is no choice other than to approve the proposed increase. She also commented on the fact that the City of Mesa has outstanding employees and complimented on them on the effort they have expended and their willingness to “go the extra mile.” She also agreed with Councilmember Jones’ comments relative to tying increases in with the “cost of living” index.

Councilmember Whalen said that he does not totally support the increase and does agree what the cost of living index issue should be pursued. He added that he too would love to see additional sales tax dollars generated in the City of Mesa and said that staff and the Council have been putting forth great effort to move in this direction but it is not something that happens overnight. He stated that he looks forward over the next year in entering into dialogue regarding better methods of increasing revenues and financing the City. He noted that there are many opinions that exist regarding this issue and he looks forward to reviewing all of them.

Mayor Hawker concurred with Councilmember Whalen's comments.

In response to a request from Councilmember Jones that City staff restructure their reporting methods to reflect "net" rather than "gross" figures, Mr. Warner stated that Staff will move in this direction in the future.

Motion carried by majority vote (5 to 2) with Councilmembers Thom and Griswold voting nay and Resolution No. 8057 and Ordinance No. 4079 adopted.

b. Natural Gas utility service – Resolution No. 8058 and Ordinance No. 4080.

It was moved by Councilmember Whalen, seconded by Councilmember Walters, that Resolution No. 8058 and Ordinance No 4080 be adopted.

Motion carried by majority vote (5 to 2) with Councilmembers Thom and Griswold voting nay and Resolution No. 8058 and Ordinance No. 4080 adopted.

c. Wastewater utility service – Resolution No. 8059 and Ordinance No. 4081.

It was moved by Councilmember Jones, seconded by Vice Mayor Kavanaugh, that Resolution No. 8059 and Ordinance No. 4081 be adopted.

Motion carried by majority vote (5 to 2) with Councilmembers Thom and Griswold voting nay and Resolution No. 8059 and Ordinance No. 4081 adopted.

d. Water utility service – Resolution No. 8060 and Ordinance No. 4082.

It was moved by Councilmember Whalen, seconded by Mayor Hawker, that Resolution No. 8060 and Ordinance No. 4082 be adopted.

Motion carried by majority vote (5 to 2) with Councilmembers Thom and Griswold voting nay and Resolution No. 8060 and Ordinance No. 4082 adopted.

e. Solid Waste utility service – Resolution No. 8061 and Ordinance No. 4083.

It was moved by Councilmember Walters, seconded by Councilmember Jones, that Resolution No. 8061 and Ordinance No. 4083 be adopted.

Motion carried by majority vote (5 to 2) with Councilmembers Thom and Griswold voting nay and Resolution No. 8061 and Ordinance No. 4083 adopted.

\*12. Consider authorizing the City Manager to enter into an agreement with the Mesa Convention & Visitors Bureau to continue promoting tourism and convention business in Mesa.

13. Consider the following ordinances from the Planning & Zoning Division regarding amendments to various sections of the Mesa City Code:

- \*a. Amending Section 1-27-2 of the Zoning Ordinance of the Mesa City Code regarding civil code violations; amending Sections 8-2-9, 8-2-14, 8-6-3, 8-6-7, 8-6-8, and 8-6-9 regarding responsible parties, proper service, and sanctions; amending Sections 11-1-5 and 11-19-4 regarding enforcement and sanctions - Ordinance No. 4074.
- b. Amending Sections 11-1-6 and 11-13-2 of the Zoning Ordinance of the Mesa City Code pertaining to the regulation of portable storage containers – Ordinance No. 4084.

Councilmember Thom stated that she requested that this item be removed from the consent agenda. She said that she has spoken with a number of retailers in Mesa and has tried to make them aware of this issue. She stated the opinion that the proposed ordinance contains conflicting paragraphs and will result in confusion. She added that she has been advised that businesses have already be fined although staff has said this has not occurred. She expressed the opinion that the proposed ordinance is “business unfriendly” and said she cannot vote in support of its adoption.

Councilmember Griswold agreed with the importance of continuing efforts to be “business friendly” and encouraged staff to streamline the process as much as possible.

Councilmember Walters stated the opinion that the proposed ordinance offers enhanced flexibility to businesses and will allow additional businesses the ability to legally have the containers on their property. She agreed that the process should be as “quick and easy” as possible and said that she will vote in support of the ordinance as presented.

Ray Newberg, representing a portable storage company, said he concurs with Councilmember Thom’s remarks and that the proposed ordinance will make it more difficult for companies such as his to conduct business.

Mayor Hawker thanked Mr. Newberg for his input.

In response to a request for additional information, Acting Planning Director Dorothy Chimel and Zoning Administrator John Gendron, provided additional information and clarified issues associated with this agenda item.

It was moved by Vice Mayor Kavanaugh, seconded by Councilmember Walters, that Ordinance No. 4084 be adopted.

Motion carried by majority vote (6 to 1) with Councilmember Thom voting nay.

\*c. **Deleted.**

\*d. **Deleted.**

- \*e. Amending Section 11-15-4 of the Zoning Ordinance of the Mesa City Code pertaining to screening requirements for outdoor vehicle display – Ordinance No. 4075.
- \*f. Amending Sections 11-18-6, 11-18-8, and 11-18-10 of the Zoning Ordinance of the Mesa City Code pertaining to fees for planning services; amending Sections 9-6-2 and 9-6-6 regarding adjustments to the required fees for subdivision plats and land splits – Ordinance No. 4076.

13.1. Consider the following recommendation from the Fire Committee:

- a. Approve proceeding with a Request for Proposal to provide emergency medical service transportation in Mesa.

**THIS ITEM WAS CONTINUED TO THE JULY 7, 2003 REGULAR COUNCIL MEETING.**

\*13.2. Consider authorizing the execution of a new professional services contract between the City of Mesa and the Greater Phoenix Economic Council (GPEC) in the amount of \$154,483.00 for Fiscal Year 2003-04.

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

- \*a. **Z03-24** (District 6) – The 3200-3300 blocks of South Sossaman Road (east side) (26.42 ac. ±) Rezone from R1-43 to M-1. This rezone will facilitate conformance with the Mesa 2025 General Plan. Peter Martens, owner; City of Mesa, applicant – Ordinance No. 4077.

P&Z Recommendation: Approval with conditions (Vote: Passed 5-0). Future Site Plan Review of any development plans through the public hearing process, in compliance with the Zoning Ordinance.

15. Consider the following subdivision plat:

- \*a. “MERIDIAN INDUSTRIAL PARK, UNIT I”, – (Council District 6) – 6700 block of South Meridian Drive (west side) 6 M-2 AF industrial lots (22.46 ac) JCSMM Devco, L.L.C., owner; Landmark Surveying, engineer.

16. Items from citizens present.

Willie Willis, 930 N. Mesa Drive, #1008, discussed negative impacts on citizens with disabilities as a result of bus route eliminations and reductions in service. He asked the Council to initiate actions to reinstate and even increase service and thanked them for their support.

Councilmember Whalen stated that he had in his possession a letter indicating that the hours for one of the bus routes, (120) will be reinstated to run until 10:00 p.m. He said that he would provide Mr. Willis with a copy of the letter and Mr. Willis thanked him for his efforts in this area and asked that they continue.

Vice Mayor Kavanaugh also requested that the City Manager look into the issue of bus routes, (and issues associated with frequency and access) that travel into the malls (Fiesta Mall and Superstition Mall) and Mr. Hutchinson indicated his intention to follow up on this.

Nancy Burkhart again addressed the Council relative to wheelchair access, particularly at malls and strip malls, and the need for additional concrete sidewalk/ramps. She requested that the Council also look into this issue.

17. Adjournment.

Without objection, the Regular Council Meeting adjourned at 7:40 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 30<sup>th</sup> day of June 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

lgc