

# COUNCIL MINUTES

December 3, 2001

The City Council of the City of Mesa met in a Regular Council Meeting in the upper level meeting room of the Council Chambers, 57 East 1<sup>st</sup> Street, on December 3, 2001, at 5:45 p.m.

## COUNCIL PRESENT

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

## COUNCIL ABSENT

None

## OFFICERS PRESENT

Mike Hutchinson  
Barbara Jones  
Debbie Spinner

Invocation by Councilmember Bill Jaffa.

Pledge of Allegiance was led by Cody Steele, Boy Scout Troop #81.

Mayor Hawker welcomed everyone to the meeting.

### 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.

Mayor Hawker stated that item 6a would be removed from the consent agenda.

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

Carried unanimously.

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

Minutes from the November 5, 8, 15 and 19, 2001 Council meetings.

3. Consider the following liquor license applications:

\*a. SAM SHAMON, INDIVIDUAL

New Beer and Wine Store License for Beer World & Market, 1530 N. Country Club Drive, Suite 20. This is an existing business and building. The Beer and Wine Store License previously held at this location by Simon Saif, Agent, SS&RS Inc., will revert back to the State.

\*b. ESMERALDA JEREZ, AGENT

New Restaurant License for Casa De La Cruz Mexican Grille, 1328 W. University Drive. This is an existing building. The Restaurant License previously held at this location by Cynthia A. McConkey, Agent, McConkey Enterprises Inc., went out of business in February of 2000.

\*c. DAVID C. MOORE, AGENT

New Restaurant License for Famous Sam's #38, 430 N. Power Road. This is an existing business and building. The Restaurant License previously held at this location by Helen H. Mills, Agent, Helen H. Mills LLC, will revert back to the State.

4. Consider the following contracts:

\*a. Election Printing for the 2002 Primary and General Elections as requested by the City Clerk's Office.

The Purchasing Division recommends accepting the low bid by Fidelity Press West, Inc. at \$26,867.00 plus 8.1% sales tax of \$2,176.23 for a total of \$29,043.23 based on estimated requirements.

\*b. Two-year supply contract for traffic signal heads, pedestrian signals & LED modules for warehouse inventory to be used by the Transportation Division.

The Purchasing Division recommends accepting the lowest bids for each category, as follows:

Category A – all bids are recommended to be rejected;

Category B to the low bidder by Jerry E. Fondaw & Associates at \$209,474.01; and

Category C to the lowest complete bid by Phoenix Highway Products at \$79,293.08. The combined award is then \$288,767.09 based on estimated annual requirements.

\*c. 994,000 utility bills/envelopes as requested by the Printing & Graphics Services Division.

The Purchasing Division recommends accepting the low bid by Tension Envelope at \$22,117.32 including applicable sales tax.

- d. Falcon Field Airport Perimeter Road. City of Mesa Project No. 02-15.

This project is a continuation of the implementation of the City's Falcon Field master plan, in which a number of facility upgrades will be constructed throughout the airport to meet the needs of the airport and its users, as well as to comply with FAA requirements based on the most recent FAA inspection.

Recommend award to low bidder, Hunter Contracting Company, in the amount of \$345,186.45 plus an additional \$34,518.65 (10% allowance for change orders) for a total award of \$379,705.10.

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

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

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

Upon tabulation of votes, it showed:

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

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

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

- e. Solid Waste Building Remodel. City of Mesa Project No. 01-129.

This project remodels the former Electric Administration building, located at 730 N. Mesa Drive, for use as the new Solid Waste Division Administration building.

Recommend award to low bidder, Desert West Builders, in the amount of \$221,483.00 plus an additional \$22,148.30 (10% allowance for change orders) for a total award of \$243,631.30.

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

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

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

Upon tabulation of votes, it showed:

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

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

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

- \*f. Broadway Recreation Center Restroom Renovation. C.D.B.G. Funded Project. City of Mesa Project No. 00-22.

This project upgrades the restrooms, providing ADA compliant space and fixtures for use by the patrons of the facility.

Recommend award to low bidder, TI Specialists, Inc., in the amount of \$194,700.00 plus an additional \$19,470.00 (10% allowance for change orders) for a total award of \$214,170.00.

- \*g. Police Central Security System. City of Mesa Project No. 96-78.

This project will install card access readers to various offices and elevators, electronic door releases, interior and exterior video cameras with video recording capabilities, and associated electrical upgrades.

Recommend award to low bidder, Nelson-Holland, Inc., in the amount of \$375,950.00, plus an additional \$37,595.00 (10% allowance for change orders) for a total award of \$413,545.00.

- \*h. Police Department Freezer/Refrigerator Evidence Storage. City of Mesa Project No. 02-37.

This project converts a portion of the Police administration building basement adjacent to the existing evidence facility into a new evidence storage facility.

Recommend award to low bidder, Pegasus Construction, Inc., in the amount of \$273,601.00 plus an additional \$27,360.10 (10% allowance for change orders) for a total award of \$300,961.10.

- i. Fire Station No. 202. City of Mesa Project No. 00-68.

This project will replace Fire Station 202 in order to accommodate newer equipment.

Recommend award to low bidder, Woods Construction Company, in the amount of \$1,860,668.51 plus an additional \$186,066.85 (10% allowance for change orders) for a total award of \$2,046,735.36.

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

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

Assistant Fire Chief Paul Wilson and Management Assistant II Dorinda Larsen addressed the Council regarding this agenda item. Chief Wilson provided a brief historical overview regarding Fire Station 202 and reported that the station is currently located on a 1/3 acre site in a residential area at 1102 E. Second Avenue and is proposed to be moved to the southwest corner of Stapley Drive and 8<sup>th</sup> Avenue. He explained that although the Council approved the purchase of the 2-acre lot at this location and approved the relocation of Station 202 in 1999, the project was deferred due to budget constraints.

Chief Wilson reported that the present emergency access of fire trucks onto Stapley Drive is difficult and dangerous and said that the new site will provide good access to Stapley Drive via a traffic light at the intersection. He stated that with Council approval of this item, construction would commence in January 2002 and be completed in September 2002.

Chief Wilson stated that the proposed relocation would better serve the developing areas near the Stapley/Baseline intersection and that it is the consensus of staff that the relocation is in the best interests of the City. Chief Wilson referred to renderings of the proposed facility displayed in the Council Chambers and commented on various features of the facility including the driveways and ingress/egress routes for the fire trucks.

Councilmember/Fire Committee Chairman Pomeroy reiterated the fact that the Council previously approved the relocation of Fire Station 202.

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

Upon tabulation of votes, it showed:

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

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

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

5. Introduction of the following ordinances and setting December 17, 2001 as the date of public hearing on these ordinances:

- \*a **A01-2** Annexing of areas East of North Crismon Road to North 92<sup>nd</sup> Street and areas South of East McKellips Road to East McLellan Road. (202± acres). Initiated by the property owner.

- b. Modifying the Electric Rate Schedules and establishing Electric Rules and Regulations, Code of Conduct, Terms and Conditions for Direct Access and Electric Terms and Conditions for Standard offer as recommended by the Utility Committee.

Councilmember Whalen, as Chairman of the Utility Committee, provided an historical overview of the electric deregulation process. He commented on Mesa's electric utility and explained the manner in which deregulation will impact the City. He stated that the City's rate structure must be modified to accommodate the required "unbundling" of electric rates and that the required effective date for unbundled rates is January 1, 2002. He said that although some customers may see fluctuations in their electric bill, the modified rate structure does not represent an increase in rates and the overall results of the proposed changes will be consistent with existing rates. Mr. Whalen further explained that effective January 1, 2002, customers will be able to choose an energy supplier and he noted that the City's electric rates are extremely competitive.

Councilmember Whalen further stated that as part of the deregulation process and in conjunction with the proposed modified rate structure, the City must also adopt Rules and Regulations, a Code of Conduct, and Terms and Conditions relative to Standard Offer and Direct Access services.

It was moved by Councilmember Whalen, seconded by Councilmember Kavanaugh, that an ordinance be introduced to modify the City's Electric Rate Schedules and establish Electric Rules and Regulations, Code of Conduct, Terms and Conditions for Direct Access and Electric Terms and Conditions for Standard Offer as recommended by the Utility Committee and further revised by staff, and setting December 17, 2001 as the date of the public hearing on this ordinance.

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

Mayor Hawker commended Councilmember Whalen for his work as Chairman of the Utility Committee and as a member of the Arizona Corporation Commission's Line Siting Committee.

Upon tabulation of votes, it showed:

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

Mayor Hawker declared the motion carried unanimously by those voting.

6. Consider the following resolution:

- a. Authorizing the preliminary steps be taken to become a participating employer in the Corrections Officer Retirement Plan on behalf of the Dispatchers and Detention Officers of the City of Mesa – Resolution No. 7750.

Doug Cash, 2024 E. Gary Circle, addressed the Council and stated that he fully supports this agenda item. He explained that he did not realize that the item was on the Consent Agenda when he submitted a request to address the Council.

It was moved by Councilmember Pomeroy, seconded by Councilmember Kavanaugh, that Resolution No. 7750 be adopted.

Carried unanimously.

- \*b. Approving the refunding of the City of Mesa Municipal Development Corp. Special Tax Updates Bonds, Series 1985 through the issuance of Excise Tax Revenue Refunding Bonds, Series 2001; approving the forms of documentation for the refunding bonds and the City Lease-Purchase Agreement related thereto; authorizing the execution of the Lease-Purchase Agreement and all other necessary documents relating to the issuance of the refunding bonds; and declaring an emergency – Resolution No. 7749.
- c. Ordering the sale of \$26,575,000 principal amount of City of Mesa, Arizona, General Obligation Bonds, Series 2002; \$57,950,000 principal amount of City of Mesa, Arizona, Utility Systems Revenue Bonds, Series 2002; and \$25,800,000 principal amount of City of Mesa, Street and Highway User Revenue Bonds, Series 2002 – Resolution No. 7751.

Councilmember Jaffa, as Chairman of the Finance Committee, provided a brief overview regarding the City's practice of funding capital improvements with bond sales. He stated that the proposed bond sales for General Obligation bonds of \$26,575,000; Utility Revenue bonds of \$57,950,000; and Street and Highway Revenue bonds of \$25,800,000, totaling \$110,325,000, were authorized by voters in the 1994, 1996 and 2000 elections.

Assistant Financial Services Director Larry Given addressed the Council and reported that with Council approval of this item, staff anticipates receiving bids on the proposed bonds on January 9, 2002 and that following the receipt of bids, staff will report to the Council on January 10, 2001 and request authorization to issue the bonds. Mr. Given noted that the current bond market is favorable and rates are currently low.

It was moved by Councilmember Jaffa, seconded by Councilmember Walters, that Resolution No. 7751 be adopted.

Carried unanimously.

7. Consider the following ordinances:

- a. Amending the Mesa Tax Code.

This ordinance will result in adoption of changes made to the Model City Tax Code, which have been approved by the Municipal Tax Code Commission. All cities in the State will be adopting these changes. **(THIS ITEM WAS REMOVED FROM THE AGENDA DURING THE PRECEEDING STUDY SESSION FOR REINTRODUCTION AT A SUBSEQUENT MEETING.)**

- b. Amending Title 4, Chapter 9, Section 1 of the Mesa City Code relating to the payment of plan review fees as recommended by the Finance Committee. **(THIS ITEM WAS REMOVED FROM THE AGENDA DURING THE PRECEEDING STUDY SESSION FOR REINTRODUCTION AT A SUBSEQUENT MEETING.)**

\*8. Write-off of utility and miscellaneous accounts in the amount of \$238,081.00.

\*8.1. Consider a one-year extension of the Emergency Ambulance Transportation Agreement with Southwest/Rural Metro as recommended by the Fire Committee.

\*8.2. Consider recommending the donation of a retired fire pumper truck to the Avra Valley, Arizona Fire District.

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

- a. **Z01-51** 3109 E. McKellips Road. Rezone from R1-43 to C-2 and Site Plan Review (2.89 acres). This case involves expansion of a kennel plus retail uses – Ordinance No. 3951. **A 3/4 VOTE IS REQUIRED TO APPROVE THIS CASE.**

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

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, etc.) except as noted below.
2. Compliance with all requirements of the Development Services Department (Engineering, Traffic Engineering, Solid Waste and Facilities, Fire, etc.).
3. Dedicate the right-of-way required under the Mesa City Code upon application for a building permit or at the City's request for dedication, whichever comes first.
4. All street improvements and perimeter landscaping shall be installed in the first phase of construction.
5. Compliance with all requirements of the Design Review Board.
6. Full compliance with all current Code requirements including building codes regarding sound attenuation of the kennels.
7. Review and approval of Special Use Permits from the Board of Adjustment or Zoning Administrator for the kennels, caretaker's residence, and a comprehensive sign plan.
8. Retention basins to be maximum 6:1 slopes adjacent to right-of-way/pedestrian ways.

Lon LeMahn, 5045 N. 12<sup>th</sup> Street, Phoenix, applicant and project architect from the firm of Searer, Robins and Stevens, addressed the Council regarding this case and reported that his firm has worked closely with staff and the Planning and Zoning Board to meet the requirements for this project.

Mr. LeMahn described the layout of the proposed improvements, which will be implemented in three phases, and said that the facilities that will generate the most noise and traffic have been located on the northwest corner of the site, as close as required setbacks would allow. He noted that only one elevation of one of the proposed buildings will be located near the eastern boundary of the property and that this building would be buffered by a service drive, numerous trees and other landscaping.

Planning Director Frank Mizner addressed the Council and provided an overview regarding this case. He stated that a  $\frac{3}{4}$  vote of the Council is required due to a legal protest filed by the restaurant/property owner of the adjacent east property (Mr. Serrine); that the kennel existed at this location prior to annexation in 1980 and presently exists as a legal, non-conforming use; that the applicant is seeking a rezoning to C-2, which would allow for future retail, grooming and kennel uses; that the applicant must also obtain a Use Permit for the kennel uses from the Board of Adjustment; and that the project must also be approved by the Design Review Board. Mr. Mizner stated that staff recommends approval of this case and he noted that the applicant has responded to the concerns raised by Mr. Serrine in his protest.

Councilmember Walters said that Mr. and Mrs. Serrine recently discussed this case with her and expressed concerns regarding noise associated with a proposed kennel building that will be located near an outside party area of their facility where they intend to host weddings and receptions in the future.

Clay Coady, the owner of the property, addressed the Council and commented on the design of the proposed facility and described the noise mitigation features that have been incorporated into the project design. He also discussed the kennel's routines and said that the dogs are only allowed outside for a short time daily between 8:00 a.m. and 9:30 a.m. and that only five dogs are allowed outside at one time.

Discussion ensued regarding the existing building on the property.

Vice Mayor Davidson expressed the opinion that the proposed project appears to have been designed to mitigate noise and other impacts. He stated that although the adjacent property/restaurant owner is not present, there would be additional opportunities to voice concerns in connection with review of this case by the Board of Adjustment and Design Review Board.

It was moved by Vice Mayor Davidson, seconded by Councilmember Kavanaugh, that Zoning Case Z01-51 be approved and Ordinance No. 3951 adopted.

Further discussion ensued regarding the proposed building design, landscaping, setbacks and sound proofing measures incorporated into the project.

Vice Mayor Davidson and Councilmembers Jaffa, Walters and Pomeroy commented on the quality nature of both the kennel and restaurant businesses and expressed hope that both businesses prosper and co-exist in a cooperative manner.

Robin White, 1247 E. Fountain Street, informed the Council that although she submitted a request to address the Council regarding this case, because she previously discussed this case

with Councilmembers on an independent basis, she had no additional comments to present at this time.

In response to a question from Councilmember Whalen regarding the caretaker residence on the kennel property, Mr. Mizner said that the required Special Use Permit to be considered by the Board of Adjustment concerning the kennel uses would also address the caretaker residence.

Carried unanimously.

- \*b. **Z01-53** The southwest corner of Baseline Road and Baldwin Drive. Rezoning from R-3 DMP to R-3 PAD DMP and Site Plan Review (13.18 acres). This case involves development of a project of triplex condominiums – Ordinance No. 3947.

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

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 the Residential Development Guidelines regarding elevation design.
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 Subdivision Technical Review Committee.
7. Owner granting an Avigation Easement and Release to the City, pertaining to Williams Gateway Airport which will be prepared and recorded by the City (concurrently with the recordation of the final subdivision map, prior to the issuance of a building permit).
8. Written notice be provided to future residents, and acknowledgment received that the project is within five (5) miles of Williams Gateway Airport.
9. Noise attenuation measures be incorporated into the design and construction of the homes to achieve a noise level reduction of 25 db.
10. Retention basins to be 6:1 slopes maximum adjacent to public rights-of-way and pedestrian areas.

- \*c. **Z01-56** East of the southeast corner of Southern Avenue and Crismon Road. Site Plan Review (5 acres). This case involves development of a church site in the master planned Crismon Business Park – Ordinance No. 3948.

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

1. Compliance with the basic development as described in the project narrative and as shown on the site plan, landscape plan, and exterior elevations submitted, (without guarantee of lot coverage) except as noted below.
2. Review and approval by the Planning and Zoning Board, Design Review Board and City Council of future development plans for the P.E.P. and M-1 zoned areas.
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. Compliance with all requirements of the Subdivision Technical Review Committee.
6. An amendment to the "Crismon Business Park" subdivision plat shall be completed prior to issuance of any certificates of occupancy.
7. A modified master plan shall be submitted for review and approval by the Planning and Zoning Board and City Council as part of the development of 10,000 sq. ft. or more of building area for the P.E.P. and/or M-1 portions of the master plan.
8. Compliance with all requirements of the Design Review Board.
9. Retention basins to be 6:1 slopes maximum when adjacent to public rights-of-way, pedestrian areas and/or walkways.
10. Design Guidelines for both the P.E.P and M-1 zoned areas to be reviewed and approved as part of the required Site Plan Review for either the P.E.P. and/or the M-1, whichever is first.
11. A public utilities easement shall be provided to allow for the extension of municipal sewer to the properties east of this site.
12. The frontage along Southern Avenue shall be improved with a 30-foot wide landscape buffer with berms or walls to screen the parking lot, and 24" box trees every twenty feet or clustered to the equivalent along Southern Avenue.
13. The developer of each portion of the Master Plan shall make available to the public the name of the company that manages that portion of the Master Plan.
14. Building heights for structures within 300 feet of Southern Avenue shall be limited to two-story or 40 feet.
15. Parking lot lights for businesses within the Master Plan shall be shielded and designed to direct light down to the ground to prevent light dispersion off of the property.
16. The developer shall work with the City of Mesa to determine if Cheshire south of Southern Avenue can be offset from the Cheshire alignment north of Southern Avenue.
17. A Special Improvement District to be established with the property owner and the City that will require full street improvements for East Hampton Avenue, South Cheshire Street, and South Crismon Road. This S.I.D.

agreement must be disclosed to any subsequent purchaser of this property.

- d. **Z01-58** South and east of the southeast corner of Baseline and Crismon Roads. Rezone from AG to R1-6-PAD and R1-7-PAD within a Development Master Plan (304± ac). This case involves a master-planned residential development Ordinance No. 3952.

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

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 the Residential Development Guidelines.
3. Review and approval by the Planning and Zoning Board, Design Review Board and City Council of future development plans for the commercial site.
4. Compliance with all City development codes and regulations except where modified as outlined in the staff report above (lot area, widths, and coverage).
5. Compliance with all requirements of the Development Services Department (Engineering, Traffic Engineering, Solid Waste and Facilities, Fire, etc.).
6. 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.
7. All street improvements and perimeter landscaping to be installed in each phase of construction.
8. The site plan for the church site and satellite dish/cable distribution site may be considered Administratively by the Planning Director and must be designed to be compatible with the Development Master Plan by utilizing the theme wall and landscaping designs.
9. Compliance with all requirements of the Subdivision Technical Review Committee.
10. Record a one-foot non-vehicular access easement along collector streets.
11. Owner granting an Avigation Easement and Release to the City, pertaining to Williams Gateway Airport, which will be prepared and recorded by the City (concurrently with the recordation of the final subdivision map, prior to the issuance of a building permit).
12. Written notice be provided to future residents, and acknowledgment received that the project is within five miles of Williams Gateway Airport.
13. Noise attenuation measures are to be incorporated into the construction of the homes to achieve a noise level reduction of 25 dB.
14. Written notice be provided to future residents, and acknowledgement received that the project is within 1.5 miles of the San Tan Freeway.

15. Retention basins to be 6:1 slopes maximum adjacent to streets and pedestrian ways.

Clare Abel, an attorney representing the applicant, addressed the Council and provided an historical overview regarding this property including the fact that US Home recently acquired the property through a State Land Department auction. She referred to a map on display in the Council Chambers and noted the location of a new, nearby Gilbert middle school and a Gilbert high school presently under construction. She reported that the proposed site is designated on Mesa's General Plan as medium density residential, which provides for 2-5 dwelling units per acre. She reported that 52.1 acres of the total 304 acres are designated for open space and she described the various proposed open space areas including park, sport and trail areas and the proposed amenities and landscaping. She commented on a wash that runs through the property and noted that the wash was broadened to provide a drainage channel and trail areas for the community.

Ms. Abel referred to and commented on artist renderings depicting the proposed community.

Mr. Mizner reported that the proposed master plan includes 956 units on 284 acres with a net density of 3.4 units per acre. Mr. Mizner reported that staff recommends approval of this case and he noted that the adjacent power line corridor has been an ongoing issue associated with this project.

Councilmember Jaffa commented on the quality of the projects built by US Home including Augusta Ranch and he voiced approval of the amount of open space incorporated into this project.

Vice Mayor Davidson stated opposition to the proposed Master Planned Community and explained that although this project appears to be a quality project, he is opposed to the development of homes near transmission corridors.

It was moved by Councilmember Pomeroy, seconded by Councilmember Walters, that Zoning Case Z01-58 be approved and Ordinance No. 3952 adopted.

In response to a question from Councilmember Walters regarding the product line that is proposed to be built, Ms. Abel said that US Home and its affiliate, Grayhawk, will develop approximately 50% of the parcels and that the remaining parcels will be built by additional developers to incorporate significant diversity into the community.

In response to a question from Councilmember Walters, Mr. Mizner reported that Augusta Ranch is approximately twice the size of the proposed community.

In response to a question from Councilmember Whalen regarding the proximity of Williams Gateway Airport to this project, Mr. Mizner commented on several conditions contained in the proposed ordinance that address issues related to the airport proximity and the proximity of the future San Tan Freeway.

Discussion ensued regarding the nearby power line.

In response to concerns voiced by Vice Mayor Davidson regarding the intent of the developer to build the project consistent with the renderings displayed in the Council Chambers, Ms. Abel stated that the renderings displayed represent the minimum landscaping and other amenities that US Home intends to incorporate into this community.

Upon tabulation of votes, it showed:

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

Mayor Hawker declared the motion carried by majority vote and Ordinance No. 3952 adopted.

- \*e. **Z01-59** West of the southwest corner of Main Street and Greenfield Road. Rezone from AG to C-2 and Site Plan Review (.908± ac.). This case involves the development of a retail tire store – Ordinance No. 3949.

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

1. Compliance with the basic development as described in the project narrative and as shown on the site plan and elevations submitted, (without guarantee of lot 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, or at the time of the City's request for dedication whichever comes first.
5. Compliance with all requirements of the Subdivision Regulations regarding land splits.
6. Recordation of cross-access easements with Walgreens site.
7. Compliance with all requirements of the Design Review Board.
8. Review and approval of a Special Use Permit by the Board of Adjustment for a comprehensive sign plan.
9. Retention basins to be no more than 6:1 slopes adjacent to drives or walkways.
10. No outdoor display of merchandise, including under building overhangs and canopies.
11. The land split application must be submitted before building permits are issued.

- \*f. **Z01-60** The 2400 block of East Southern Avenue (north side). Rezone from R1-43 to O-S (1.26± ac.). This case involves the development of an office project – Ordinance No. 3950.

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

1. Compliance with the basic development as described in the project narrative and as shown on the site plan, preliminary plat and elevations submitted, 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.

- g. **Z01-61** The 1300 through 1400 blocks of South Country Club Drive (east of retail frontage property) rezone from R-4, C-3 and M-1 to R-2-PAD (15.7± ac.). This case involves development of factory built homes within a rental park – Ordinance No. 3953.

P&Z Recommendation: Approval with conditions (Vote: Passed 5-1-0; (Whalen voting nay, Parker absent).

1. Compliance with the basic development as described in the project narrative and as shown on the site plan and elevations submitted, except as noted below.
2. Compliance with the Residential Development Guidelines regarding elevation design.
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. Retention basins to be 6:1 slopes maximum where adjacent to sidewalks and private streets.
6. Applicant to develop a fence detail and plan for individual spaces subject to staff approval.
7. Front yard landscaping to be maintained by the space owner.
8. Add 3 ramadas of approximately 150 s.f., each with a barbeque grill, at the children's play yard, at the swimming pool area, and at the sports court (outside of the retention area). Subject to staff review.
9. Concrete slab (80 s.f.) to be provided as a standard for each unit; patio covers to be optional.

Sean Lake, an attorney for the applicant, addressed the Council and provided background information relative to this case. He stated that the property is the former Casa Encanta Mobile Home Park and he referred to a map on display in the Council Chambers, which depicted the location and layout of the property. He stated that the applicant, American Land Lease,

acquired this property through a foreclosure and it is their desire to provide a more desirable community than the mobile home park which existed at this location for several decades.

Mr. Lake described the proposed project, which will consist of modular homes in a community designed to look and feel like a residential community and will include numerous amenities, including: 15% open space, a pool, multiple tot lots, a sport court, trail and interconnection areas, stucco exteriors, tile roofs, two-car enclosed garages, and ground mounted air-conditioning units. He explained that the homes are considered modular because they are assembled in a factory and delivered to the site on a flatbed truck and he noted that the homes are constructed pursuant to the Uniform Building Code.

Mr. Lake reported that the applicant conducted numerous neighborhood meetings regarding the project, which generated positive feedback. He noted that the project would provide residents with 35-year, renewable and assignable lot leases; on-site management; and larger lots, setbacks and more landscaping than is typically found in traditional mobile home parks. Mr. Lake also noted that the applicant is proposing to develop this project without any federal or local financial assistance.

Jack Hannon, 736 S. Macdonald, representing the Nuestro Neighborhood, spoke in opposition to this project. He stated the opinions that the development is too dense, does not offer enough privacy or safety requirements and will result in an overload of local public facilities, including public schools. He also commented on the definition of "affordable housing" and voiced the opinion that this project is not an example of affordable housing.

Paul Ludwick, 1850 S. Westwood, #46, commented on his previous career in the field of housing and community development and said that he is an advocate for quality, affordable housing in sound neighborhoods. He stated opposition to this project on the basis that it combines owner occupancy and land leases to avoid environmental, zoning and development regulations that serve to protect neighborhoods. He also commented on the incompatible neighboring land uses and the escalation clause in the land lease.

Mr. Mizner commented on the numerous issues surrounding this property, including the fact that the previous Casa Encanta Mobile Home Park was considered sub-standard housing; the fact that options for alternative land use of this property are limited due to limited arterial visibility and unusual neighboring land uses; that the proposed housing product is essentially a factory-built duplex; the fact that the lot lease element of this project is consistent with most mobile home parks, which consist of individually owned units on leased lots; and the fact that the applicant could redevelop the property into a mobile home park based on the existing zoning. Mr. Mizner stated that following significant debate, staff recommends approval of this project.

Mayor Hawker stated that this proposal is not considered a low-income, affordable housing project. He voiced concerns regarding the viability of the project and potential problems associated with partial completion.

In response to Mayor Hawker's stated concerns, Mr. Lake said that the project has never been represented as a low-income, affordable housing project. He said that the project is designed to provide a housing alternative for apartment renters who do not qualify for low-income housing and who cannot afford a traditional site-built home in the peripheral growth areas of the City.

Discussion ensued regarding the absence of dividing walls between the units and the fact that improvements such as dividing walls must be approved by on-site management.

Further discussion ensued regarding the definition of affordable housing.

Vice Mayor Davidson voiced opposition to the project and stated concerns regarding the quality and financing of the units. He also commented on the surrounding land uses and stated the opinion that this parcel is more appropriate for commercial, industrial or manufacturing uses.

In response to questions from Councilmember Pomeroy regarding the similarities between this project and the Las Palmas community, Mr. Lake described the difference in the construction of the units and reported that the units in Las Palmas are individually owned units on leased lots and are considered mobile homes.

In response to a question from Councilmember Jaffa regarding the applicant's plans for this property if the proposed zoning change is not approved, Mr. Lake reported that the applicant would then proceed with development of a traditional mobile home park.

Councilmember Jaffa stated that he will vote to approve the zoning change due to the likelihood that the property will be redeveloped into a traditional mobile home park in the event the proposed rezoning is not approved. He clarified his position by stating that although he does not favor the proposed project, in his opinion, the alternative is less desirable than the proposed project.

Councilmember Whalen stated opposition to the proposed project. He explained that this project does not coincide with his vision for this area in the future, which includes a commuter rail service running along Center Street. He further stated the opinion that development of the proposed project will only hinder appropriate redevelopment of the area in the future.

Councilmember Pomeroy voiced support for the proposal and stated the opinion that this project is more desirable than a traditional mobile home park.

It was moved by Councilmember Pomeroy, seconded by Mayor Hawker, that Zoning Case Z01-61 be approved and Ordinance No. 3953 adopted.

Councilmember Kavanaugh stated that he is opposed to the proposed project because the surrounding land uses are not compatible with residential development. He also commented on the unique development opportunities that would accompany a commuter rail service, if developed in this area in the future.

Councilmember Walters voiced reluctant support for the motion and stated concerns regarding potential problems future residents may encounter in connection with an escalating land lease.

Mayor Hawker spoke in support of the motion and commented on the new housing concept that this project represents. He stated that although he has concerns regarding the pricing and salability of the units he is willing to allow this modular homes project the opportunity to succeed.

Upon tabulation of votes, it showed:

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

Mayor Hawker declared the motion carried by majority vote and Ordinance No. 3953 adopted.

10. Consider the following subdivision plat:

\*a. "THREE FALLS BUSINESS CENTER", – (Council District 6) – 4555 East Inverness Avenue (south side) 3 M-1 PAD office condominium lots (1.49 ac) ET Venture Group, L.L.C., developer; Grading & Drainage Engineers, LLC, engineer.

11. Items from citizens present.

There were no items from citizens present.

12. Adjournment.

It was moved by Vice Mayor Davidson, seconded by Councilmember Kavanaugh, that the Regular Council Meeting adjourn at 8:00 p.m.

Carried unanimously.

\_\_\_\_\_  
KENO HAWKER, MAYOR

ATTEST:

\_\_\_\_\_  
BARBARA JONES, CITY CLERK

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the Regular Council Meeting of the City Council of Mesa, Arizona, held on the 3<sup>rd</sup> day of December 2001. I further certify that the meeting was duly called and held and that a quorum was present.

\_\_\_\_\_  
BARBARA JONES, CITY CLERK

pjt