



# COUNCIL MINUTES

March 19, 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 March 19, 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  
Neal Beets  
Barbara Jones

Invocation by Dr. James L. Hoefer, Living Christ Fellowship.

Pledge of Allegiance was led by Boy Scout Troop Member Ben Moffitt.

### 1. Approval of minutes of previous meetings as written.

It was moved by Vice Mayor Davidson, seconded by Councilmember Kavanaugh, that the minutes of the March 5, and 6, 2001 City Council meetings be approved.

Carried unanimously.

### 2. 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 in these minutes with an asterisk (\*) were approved with one Council action.

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

Carried unanimously.

3. Conduct a Public Hearing on the City's Intention to revise Development (Impact) Fees.

Mayor Hawker announced that this is the time and place for a public hearing regarding the revision of Development (Impact) Fees.

Michael Sabrego, 2505 North 85th Street, said that he purchased his home in Maricopa County in the Desert Uplands Area, based on his belief that the property would be provided water by the City of Mesa. He said that the neighborhood is older and he will obtain his building permit this week. Mr. Sabrego stated that last month he found out about the revised impact fees and future road improvement costs and said he would like to know exactly what those costs will be. He said that if the fees were in place when he was looking to buy a home, he would not have purchased at this location.

Mayor Hawker asked Neighborhood Services Manager Jack Friedline to meet with Mr. Sabrego and address his questions and concerns.

Carol Owens, a resident of Mesa, expressed the opinion that the impact fees should be as high as possible in order to cover all of the costs associated with new growth.

There being no additional citizens wanting to speak, Mayor Hawker declared the public hearing closed.

4. Conduct a public hearing on the proposed FY 2001/2002 Community Development Block Grant Program (CDBG), Emergency Shelter Grant Program (ESG), and Home Investment Partnerships Program (HOME).

Mayor Hawker announced that this is the time and place for a public hearing regarding the proposed FY 2001/2002 Community Development Block Grant Program (CDBG), Emergency Shelter Grant Program (ESG), and Home Investment Partnerships Program (HOME).

Randy Gray, the Executive Director of the MARC Center said that on behalf of the Center's Board of Directors and the families that are served, he would like to express appreciation to the Council for its ongoing support. Mr. Gray said that the organization supports staff's recommended funding in the amount of \$150,000 towards the construction of the new day treatment facility and discussed efforts they have expended to date to generate funding in the amount of \$1.5 million. Mr. Gray said that construction will begin on the new facility once funding has reached the \$2 million mark. Mr. Gray thanked members of City staff for efforts to assist the organization.

Teresa Brice-Heames and John Smith addressed the Council regarding this agenda item. Ms. Heames stated that she is the founder and Senior Vice President of Housing for Mesa, located at 251 West Main Street. Ms. Brice-Heames said that she and Mr. Smith are present tonight to advocate for their application for funding for the upcoming fiscal year and to advocate more broadly for the use of Federal funds for affordable home ownership opportunities. Ms. Brice-Heames advised that this Mesa based community organization has been in existence since 1988 and this week will complete services on their 200th home in the community. She stated that Housing for Mesa also provides housing information services and homebuyer education and housing counseling services. Ms. Brice-Heames noted that at a recent Council Study Session a discussion occurred relative to whether Federal funds should be used to provide affordable home ownership opportunities and stated the opinion that affordable home ownership is an integral part of the continuum of care that spans an entire spectrum of services to low income members of the community. Ms. Brice-Heames stressed the importance of assisting citizens of Mesa in their efforts

to achieve self-sufficiency and thanked the City of Mesa for all of its support over the ten plus years their partnership has been in effect.

Mr. John Smith, President and Chief Executive Officer of Housing for Mesa, discussed questions and concerns that were raised at the Study Session, including the condition of the houses, what they would look like in 10 or 20 years, and their effect on the surrounding neighborhoods. Mr. Smith referred to photos of a variety of homes built by his organization recently and up to ten years ago and noted the neat appearance of the homes and properties. He added that the homes match the character and integrity of the neighborhood and continue to be consistent with the values of older neighborhoods that need revitalization. Mr. Smith stated that Housing for Mesa works in the older neighborhoods of Mesa and will always do so and added that the organization believes in providing home ownership opportunities to families that may not have the same level of income and resources as another family that could choose a neighborhood to live in on the eastern side of the Valley. He said that their families are choosing older neighborhoods 25 to 45 years old, and Housing for Mesa's goal is to bring them up to the point where they are going to establish themselves in a neighborhood, they are going to look good, and continue to look good throughout the life of the organization's involvement in those homes.

Mr. Smith discussed the number of homes produced by Housing for Mesa and the fact that the families who are in the homes are required to maintain them. Mr. Smith provided the members of the audience with Housing for Mesa's telephone number and encouraged citizens to contact the organization to determine whether they qualify for assistance.

Pat Gilbert, representing Mesa CAN (Community Action Network), 460 North Mesa Drive, #211, speaking on behalf of the agency's Board of Directors, urged the Council to support staff's recommendation in the amount of \$500,000 to assist Mesa CAN in finding a permanent home to support its services for the next 20 years. Mr. Gilbert said that the MARC Center is the subcontractor for the City's Community Action Program Anti-Poverty effort and stated that it is time for the agency to add its name to the list of organizations like Housing for Mesa, the MARC Center, Prehab and the Child Crisis Center to those assets in the community that are anchored by the capital investment shared by Community Development Block Grant (CDBG) funds. Mr. Gilbert said that this is not a request to expand the East Valley Transitional Training and Living Center, a program for which the City deserves a great deal of credit and should be proud. The requested funding is to find Mesa CAN a permanent home so it can continue to serve the nearly 4,000 families at or below the Federal poverty line.

There being no additional citizens wanting to speak, Mayor Hawker declared the public hearing closed.

5. Consider the following liquor license applications:

\*a. JAN A. ADAIR, ACTIVITY DIRECTOR

Special Event License application for Jan A. Adair, Activity Director, Fountain of The Sun, a one-day event to be held on Saturday, November 3, 2001, from 2:00 p.m. to 10:00 p.m. at 540 S. 80<sup>th</sup> St.

\*b. PAUL BEER, AGENT

New Beer and Wine Store License for Paul Beer, Agent, 839 S. Stapley Drive. This is an existing business. The Beer and Wine Store License held at this location by Joseph Michael Sullivan, Individual, 7-Eleven 16179E, will revert back to the State.

\*c. JESS E. SLADE, AGENT

New Restaurant License for Jess E. Slade, Agent, Pizza Mart, 1329 E. Main Street. This is an existing business. The Beer and Wine Bar License previously held at this location by Rex C. Short, Agent, Stanley Development Company, will remain with the present owner.

6. Consider the following Bingo application:

- \*a. Crescent Run LP – CLASS A  
Glen Heppard  
8500 E. Southern Ave.  
Mesa, AZ 85208

7. Consider the following contracts:

- \*a. Upgrade to Computer Aided Dispatch (CAD) System, as requested by the Information Services Division (ISD).

The Purchasing Division recommends accepting the only bid from Intergraph Public Safety (IPS) for software and services totaling \$107,000.00.

- \*b. One replacement copier for the City Clerk's Office.

The Purchasing Division recommends authorizing purchase from the State of Arizona contract with Ikon Office Solutions at \$19,586.50 including applicable sales tax.

- c. Electrical distribution transformers (solid insulation type) as requested by the Utilities Department.

The Purchasing Division recommends accepting the bid by Wesco Dist., Inc. at \$127,666.00 plus 5% use tax of \$6,383.30 for a total of \$134,049.30.

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

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

Upon tabulation of votes, it showed:

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

Mayor Hawker declared the motion carried unanimously by those voting.

- \*d. Fire tools, hose and related equipment as requested by the Fire Department.

The Purchasing Division recommends authorizing an additional purchase option from RFB #2000188 as follows:

Items 1, 11, 17, 27, 30, 31, 39, 41, and 43 to First In Inc. at \$30,752.30 plus 7.50% sales tax of \$2,306.42 for a total of \$33,058.72.

Items 2, 5, 8, 10, 34, 40, and 42 to AAA Fire Fighting Equipment LLC at \$3,662.00 plus 5% use tax of \$183.10 for a total of \$3,845.10.

Items 3, 6, 7, 9, 12, 13, 14, 15, 16, 28, 29 and 38 to L.N. Curtis & Sons at \$3,435.50 plus 5% use tax of \$171.78 for a total of \$3,607.28.

Items 4, 19, 20, 32, and 33 to United Fire Equipment at \$4,685.32 plus 7.0% sales tax of \$327.97 for a total of \$5,013.29.

The combined award is then \$45,524.39.

- \*e. Two-year supply contract for laptop computer docking stations as requested by the Fire and Police Departments.

The Purchasing Division recommends accepting the low bid by Precision Mounting Technologies for annual purchases estimated at \$471,641.63.

- \*f. Purchase of a Service Point Routing System to support Customer Service Field Operations.

The Purchasing Division recommends accepting the proposal from RouteSmart Technologies, Inc. for a total of \$47,500.00, including all applicable taxes. The RouteSmart proposal received an evaluated score of 670 points (77.2% of the maximum – please see Attachment A, Evaluation Summary).

In addition to the Service Point Routing System referenced above, a PC and software estimated at a total of \$6,500.00, will be processed through the normal purchasing processes. Finally, system maintenance for years two through five totals \$20,160.00. The evaluated five-year total is therefore \$74,160.00.

- \*g. Modular furniture for the Human Resources Division.

The Purchasing Division recommends authorizing purchase from the State of Arizona contract with Goodmans at \$14,680.49 including design, installation and applicable sales tax.

- \*h. Fifteen self-contained breathing apparatus as requested by the Fire Department.

The Purchasing Division recommends authorizing an additional purchase option from RFB #2000209 with the original low bidder, Fisher Scientific L.L.C. at \$51,687.29.

- \*i. Five thermal imaging cameras as requested by the Fire Department.

The Purchasing Division recommends authorizing an additional purchase option from RFB#2000111 by First In, Inc. at \$76,230.13 including a two-year extended warranty on each unit and applicable sales tax.

- \*j. Two-year renewal of the supply contract for recapping of truck tires in Materials & Supply Division warehouse inventory.

The Purchasing Division recommends exercising the two-year renewal option with the original lowest overall bid by Roberts Tire Sales, Inc. at \$199,360.17 based on estimated requirements.

- \*k. One replacement triplex mower as requested by Parks & Recreation Division.

The Purchasing Division recommends accepting the low bid meeting specification by Simpson Norton Corporation at \$27,314.87.

- \*l. One replacement video services van as requested by the Marketing and Communications Division.

The Purchasing Division recommends accepting the bid by Shook Electronics USA, Inc. at \$74,760.00 including applicable sales tax.

- \*m. East Decatur Street Catch Basin Rehab and Chaparral Park Improvements. City of Mesa Project No. 01-06

This project will replace the existing standpipe with a catch basin at the southeast corner of Decatur and Los Alamos. and adjust an existing standpipe at Chaparral Park. This project will increase drainage at these two locations.

Recommend award to low bidder, Benchmark Construction, in the amount of \$11,574.00 plus an additional \$1,157.40 (10% allowance for change orders) for a total award of \$12,731.40.

- \*n. Re-Coat Foam Roofs on Various City Buildings. City of Mesa Project No. 01-49.

This project will replace coatings on the foam roofs at these facilities where they have reached the end of their useful life and are in need of replacement.

Recommend award to low bidder, D. C. Taylor Company, in the amount of \$31,650.00 plus an additional \$3,165.00 (10% allowance for change orders) for a total award of \$34,815.00.

- o. Broadway Road Drainage Improvements Power Road to the East Maricopa Floodway. City of Mesa Project No. 99-53.

This project will widen Broadway Road, from Power Road west to the East Maricopa Floodway, to three lanes in each direction with a raised landscaped median.

Recommend award to low bidder, Achen-Gardner Engineering, LLC, in the amount of \$7,762,907.55 plus an additional \$776,290.76 (10% allowance for change orders) for a total award of \$8,539,198.31.

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 Walters, seconded by Councilmember Kavanaugh, that the recommendations of staff be approved.

Councilmember Pomeroy commented on the fact that the project will eliminate an open channel, which was a safety hazard and spoke in support of the motion.

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 agenda item being completed, Vice Mayor Davidson yielded the gavel to Mayor Hawker.

\*p. Fire Station No. 3 Apparatus Bay Improvements. City of Mesa Project No. 01-18.

This project will upgrade Fire Station No. 3 in order to permit newer, taller equipment to park inside the station.

Recommend award to low bidder, Jim Gardner, Jr. Construction, in the amount of \$37,146.00 plus an additional \$3,714.60 (10% allowance for change orders) for a total award of \$40,860.60.

q. McDowell Road, Lehi Road to Greenfield Road. City of Mesa Project No. 99-54.

This project will improve McDowell Road to 2 lanes in each direction from Lehi Road to Greenfield Road. This will be in conjunction with ADOT freeway openings in order to maintain a high quality transportation system for our citizens.

Recommend award to low bidder, Brundidge Construction, Inc., in the amount of \$6,795,759.64 plus an additional \$679,575.96 (10% allowance for change orders) for a total award of \$7,475,335.60.

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 Pomeroy, 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 agenda item being completed, Vice Mayor Davidson yielded the gavel to Mayor Hawker.

- \*r. Upgrade for the PeopleSoft Human Resource and Payroll System as requested by Information Services.

The Purchasing Division recommends authorizing purchase from PeopleSoft USA, Inc. for a total of \$188,139.00, including applicable use tax.

8. Introduction of the following ordinances and setting April 2, 2001 as the date of public hearing on these ordinances:

- \*a. Converting the full-time parking prohibition to a 10:00 p.m. to 4:00 a.m. parking prohibition on the south side of Iron Avenue from a point 520 feet west of Vineyard to Revere, on the south side of Juanita Avenue from Revere to Vineyard, and on the east side of Revere from Iron Avenue to a point 285 feet south of Iron Avenue; prohibiting parking on the east side of Macdonald from a point 280 feet north of Baseline Road to Juanita Avenue, and prohibiting parking from 8:00 a.m. to 4:00 p.m. on school days on Naranja Avenue from Pecan to Longmore, on the east side of Pecan from Naranja Avenue to a point 275 feet north of Naranja Avenue, and on the west side of Pecan from Naranja Avenue to a point 190 feet north of Naranja Avenue, as recommended by the Transportation Advisory Board.
- \*b. Relating to storm water retention within the Downtown Redevelopment area; amending Section 9-6-4, (D), 8, of the Mesa City Code.
- c. Pertaining to Title 5, Business Regulations; amending Chapter 17 of the Mesa City Code, relating to Development Fees; and providing penalties for the violation thereof.

Assistant to the City Manager Bryan Raines addressed the Council relative to this agenda item and provided a brief overview. Mr. Raines stated that development fees are not new to the City of Mesa and said the issue was first reviewed in 1990 and revisited again in 1998 when the current ordinance on development fees was adopted. He said that part of the ordinance for development fees states that the City will review fees on a regular basis and added that tonight's introduction of the proposed ordinance is the first review that has occurred on those fees.

Discussion ensued relative to the fact that the fees are paid by contractors or citizens at the time they pull a building permit to either construct a new building or expand an existing facility, the fact that the fees are collected in seven areas, water; wastewater; police; fire; parks; library and cultural, the fact that the police, fire and wastewater fees are collected in both residential for residential development as well as non-residential development (industrial, retail), the parks, library and cultural fees are collected just from the residential area, the fact that the proposed ordinance represents the third step in a process that began last January when the City's consultant, Jim Duncan of Duncan & Associates came and spoke with the Finance Committee and described the proposed adjustments which represent a 19% increase in fees, and the fact that on February 6, the Council adopted a Notice of Intention that provided 30 days in which to proceed.

Mr. Raines discussed the public process that has been in effect and said that the next step will be to adopt the fees as presented tonight at the April 2, 2001 Council Meeting. Mr. Raines stated that Gary Pearce, Deputy Director of the Arizona Housing Association, had to leave the meeting but asked Mr. Raines to pass on his organization's support for the fees that are being proposed at this time. Mr. Raines commented on the fact that the fees will be revised again in the future.

Mayor Hawker commented on the fact that a public hearing for the fees will be held on April 2nd and stated the opinion that the manner in which the fees are calculated by adding up replacement costs and what it would cost the next person to buy in makes a lot of sense.

Mr. Raines said that the overall effect will be a \$600 increase in the cost of a single family residence but added that this figure is still way below the fees that are charged by surrounding communities.

Vice Mayor Davidson stated that he recently reviewed the monthly data report and noted that the number of building permits has dropped. Mr. Raines said that the City's Budget Director Jamie Warner was monitoring that issue as well as long-term trends.

It was moved by Councilmember Kavanaugh, seconded by Vice Mayor Davidson that introduction of the proposed ordinance be approved.

Carried unanimously.

- d. Consider a historic zoning overlay of the Temple neighborhood described in Zoning Case HP00-001, adopting an official supplementary zoning map and providing penalties for the violation thereof.

Bruce Cox stated that 25 years ago his parents purchased a home located in close proximity to the Temple and two years ago, when his father passed away, he and his family moved into that home and performed extensive renovations. He said that many other homeowners in the area have improved their properties or are currently in the process of doing so and stated the opinion that the historic zoning overlay brings people together and will motivate the owners to maintain and improve the quality of the neighborhood. He asked the Council to approve staff's recommendation.

Walt McGyver also stated that he has lived in the area around the Temple for the past seven years and has performed extensive and expensive revitalization efforts to improve the property. He noted that the area is part of Area 5 and is one of the top 10 tourist attractions in Arizona, particularly during Christmas and Easter seasons. He said that the area is a link to the past and part of the pioneer heritage of Mesa and encouraged the Council to approve the historic zoning overlay for this area.

Victor Linoff, Chairman of Mesa's Historic Preservation Committee, provided an overview of the proposed ordinance and said that the ordinance will allow the homes to become eligible to apply and hopefully receive Heritage Funds. He added that there are a number of misconceptions regarding historic districts and explained that the only thing that changes is the ability to demolish a building immediately but emphasized that the demolition is only delayed for 6 months, not eliminated, and would occur after that time period. He informed the Council that to date three historic districts have been completed and urged the Council to approve the request before them this evening.

Councilmember Kavanaugh said that he serves on the Museum & Cultural Advisory Board that developed the ordinance and said that it was modified several years ago to change the petition signature

requirements from 75% to 50% plus 1. Councilmember Kavanaugh stated that he has voted in support of the other three historic districts and said he hopes that on April 2nd the City Council will vote to approve this district as well. He commented that the project is neighborhood driven with little opposition and will bring the community together.

Councilmember Walters spoke in support of the proposal and commended the neighbors for their continuing efforts to achieve their goal. She said the Council is hoping that neighborhoods that are 50 years old or older will do the same and participate in the process.

Vice Mayor Davidson said that he too supports the proposal and stated that as the City invests in the Town Center area, the only way to get a return is to preserve and enhance the residential areas around it and said that most have sustainable residential areas. He added that the proposal will enhance and preserve a State attraction and noted that the Temple is the 3rd or 4th largest tourist attraction in the State. Vice Mayor Davidson added that buildings may still be demolished and said the only thing that changes is that a six month waiting period is required.

Councilmember Jaffa said that he has watched redevelopment efforts within the City take place over the last 10 to 15 years and the effects are positive for the entire community. He said he views this area as a positive effort too and he supports the proposal.

Councilmember Pomeroy commented that he lived in a section of the downtown area many years ago and wished there was an overlay area in place at that location that would have preserved his family's home rather than allowing it to be destroyed.

Mayor Hawker said that when he went off of the Council the signature requirement for creating historical districts was 75% and that number was changed to 50%. He stated the opinion that if residents are serious about having their neighborhood declared an historic district, they would be able to collect 75% of the signatures without much trouble. Mayor Hawker said that he supports the historic district concept but does not support the amended signature requirements and will not vote for approval at this time.

It was moved by Councilmember Kavanaugh, seconded by Vice Mayor Davidson, that introduction of the proposed ordinance be approved.

Upon tabulation of votes, it showed:

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

Mayor Hawker declared the motion carried by majority vote.

- e. **Z00-65** North of the northwest corner of Sossaman Road and Germann Road. Site Plan Review (20± acres). This case involves the development of a concrete batch plant.

Martin Gerst, a general partner in Olympian Properties said that the company has owned the 60 acres that are currently under discussion since the 1980s when it was part of the County. He stated that the City of Mesa approached his company regarding annexation into the City of Mesa in 1989 and they agreed based on retaining the same zoning. He commented that he looks forward to a speedy resolution and urged the Council to approve the site plan that has been submitted. He stated opposition to the ordinance,

particularly stipulations 9, 12, 17, 23 and 26 and added that the company is also generally opposed to the use of an ordinance to address this site plan application at least until the applicant completes the purchase of the property from them.

Russell Brandt said he represents the property owner's partnerships (Sections 4 and 5), located approximately two square miles south of the base. He said that a little over 11 years ago, the City of Mesa approached him on the issue of annexation in order to allow the TRW plant to be sited at this present location within the City of Mesa. He said that the reason they agreed to proceed with the annexation was so they would be allowed to use water from the Town of Queen Creek which was in the County at that time and be able to use a package plant septic until sewers were available in the area. He added that it was also agreed that the zoning from the County would remain in place. Mr. Brandt said that through a gentlemen's agreement it was determined that the two sections would not contain residential development realizing the importance of industrial development out near the base.

Mr. Brandt said that he stands 100% behind Olympian Properties desire to sell the property and the development of that property. He said he will produce easements on four miles of land and said that the appraised value of the land is currently \$4 million. He stated that all of the partnerships but one, which they have not been able to contact, have agreed to sign the petitions and donate the \$4 million in land to the City of Mesa. He said that they are very pleased with the way the City is proceeding with moving this project forward south of the base. Mr. Brandt commented that one of the problems his partnerships have is that they are witnessing the problems that Olympian Properties is experiencing and the new owners of the property as well, who have spent well over \$90,000 and have been delayed for over a year on a project that they thought they had an agreement on since the annexation process took place. He also expressed concerns regarding the procedure that is taking place with the Town of Queen Creek and said they have requested that commercial property not be developed on Ellsworth Road and stated that if commercial zoning is granted, the Town of Queen Creek wants to receive half of the tax dollars. He also discussed the fact that walls are being planned around the batch plant which is approximately 300 yards off of Rittenhouse Road. He noted that an industrial development is located across the street from their property and to the best of his knowledge, Queen Creek has not met with anyone regarding the design of the walls and/or the fencing that would go around the property.

Mr. Brandt said his group is prepared to give the City the \$4 million property but want assurances from the Council prior to this occurring. He said they have spent almost \$80,000 preparing a master plan for this property and hopes that when it is completed, the Council will decide to stand behind them.

In response to a request from Mayor Hawker, Neighborhood Services Manager Wayne Balmer referred to a revised proposed ordinance that modifies condition #26, adding a time limit to the construction Pecos and Sossaman Road. He reported that the City's engineer has estimated that a 30-month time frame is required to complete those roads and concerns are twofold: 1) how will the City know that it will have the right of way to build the road so it can commit to do the road within a time specific frame, and 2) from the property owners perspective, how will they know if they give the right of way that the City will proceed with building the road.

Mr. Balmer said that he has worked with Assistant City Attorney Joe Padilla and staff is proposing that a contract be prepared which would go to each property owner and which would state that they agree to dedicate the right of way when requested by the City and which will contain a map and general description of the property. He said that the owners will be asked to sign the contracts in lieu of issuing a deed to the land at the current time. Mr. Balmer said this will allow the project to proceed with both sides having the assurances they need.

Norm Nichols, representing Fulton Homes, spoke in opposition to the project and said that the company will be developing a subdivision south of this project. He requested that a stipulation be included which states that truck traffic would move north and then east and west on Pecos instead of south on Sossaman unless it had a bill of lading into the Town of Queen Creek for actual delivery.

City Attorney Neal Beets expressed the opinion that this issue is a significant problem and said that arterial streets carry traffic and if it is perceived to be a problem in Queen Creek, there are specific processes that they have in place in their City Code to address the problems. He added that he does not believe it would be appropriate for the City of Mesa to try and direct traffic in Queen Creek.

Francis Slavin, 2198 East Camelback Road, representing the applicant, said that he has technical issues he would like to discuss, including reference to a zoning map which is not required, and raised questions/discussed stipulations number 9, 17, 23 and 26. Mr. Slavin said that he understands that the City will not approve the site plan unless and until the right of way has been acquired and said that they will not be able to turn that over to the City until they receive the City's approval.

Discussion ensued relative to the questions on the stipulations raised by Mr. Slavin and Mayor Hawker stated the opinion that #26 is the only one that the City has a problem with. He said that it is a priority for this City to make sure that the parcels in that area develop. Mayor Hawker also stated that he wants to use this area as an example of how the City is willing to work in a cooperative manner with the property owners who own land around Williams Gateway Airport and said that if the owners keep the property for job creation and commercial uses, the City will work as a partner and try to provide the infrastructure.

Mayor Hawker commented that he would like to accelerate the 30-month schedule and will ask staff to attempt to do so but will not change the time frame listed in the ordinance.

In response to a question from Councilmember Whalen, Mr. Beets stated that if the Council directs staff to change the paragraph, that and the introduction can be done at this meeting.

Additional discussion ensued relative to stipulations 9, 12, 17, 23 and 26.

In response to a question from Councilmember Walters relative to relief if the City fails to build the sewer, Development Services Manager Jack Friedline said that in accordance with stipulation #13, an interim solution to the wastewater problem would have to be pursued.

Councilmember Walters commented that if she were the applicant she would want all of the conditions worked out and said that the applicant has put forth great effort and worked very hard to bring this forward.

Councilmember Pomeroy stated that rather than re-write the language of the ordinance at this time, he would recommend that it be continued and revised and that the revised ordinance be introduced at the next Council meeting.

It was moved by Councilmember Pomeroy, seconded by Councilmember Walters, that Zoning Case Z00-65 be continued to the April 2, 2001 City Council meeting.

In response to a question from Councilmember Walters relative to whether staff would be able to proceed if the item is continued to the next meeting, Mr. Friedline advised that staff has to have legal documentation in their possession prior to beginning the survey work.

Mr. Beets commented on Mr. Balmer's presentation on the master plan for infrastructure south of the airport for water, sewer and streets, and stated the opinion that the plan is a part of the consideration of this case. He said if the Council votes for this ordinance, or one similar, the Council is giving staff direction to move forward with that plan. Mr. Beets added that if the Council does not support the plan, they should not vote for the ordinance. He said that a vote in support of the ordinance will have the result of directing staff to proceed and sewer will be developed. Mr. Beets stated that if an unforeseen problem arises in the future, mid-course adjustments can always occur. He added that the issue can be continued, adjusted this evening or approved as submitted and described on the record.

Councilmember Pomeroy clarified that Mr. Beets is saying that he has all of the intent of the Council without placing it all in the language of the ordinance and said that although he is always concerned about the language, if staff has an accurate understanding of the Council's intent, he will withdraw his motion to continue in order to avoid additional delays.

Councilmember Walters withdrew her second to the motion to continue.

Mayor Hawker requested that stipulation #12 be amended to add "prior to 30 months from the effective date of this ordinance and not permitted at all if sewer is accessible to the property line."

Mr. Slavin recommended that the language state "prior to 30 months from the effective date of this ordinance and upon the availability of the sewer, the project will connect with it." Mayor Hawker agreed with the proposed amendment.

In response to a request from Councilmember Whalen, Mr. Balmer stated that the proposed cost estimate for the four mile street from Power to Ellsworth on Pecos and then a mile north from Germann to Pecos on Sossaman is approximately \$1.9 million. He added that the Pecos Road sewer line, which would be underneath Pecos Road going from Power Road to Ellsworth and then north on Ellsworth to connect in to a lift station at the southeast corner of the current Pecos Road and Ellsworth is estimated at approximately \$1.9 million as well. He said that the long-term economic benefits are difficult to ascertain at this time.

Vice Mayor Davidson asked Mr. Balmer whether the development of the road and the sewer would result in positive effects on future development to the north of Williams Gateway Airport. Mr. Balmer said he does believe that growth will occur and commented on the preparation of a conceptual development plan which Mr. Mizner is working on for that area.

Vice Mayor Davidson commented that the Mayor has said that he would like to use this site as an example of the manner in which the City will work with property owners on future development and questioned whether the ordinance will set the right tone for the area. Mr. Balmer said that he agreed the direction is a good one, particularly in view of the overall development plan, and discussed upscale office complex uses and zoning that would be consistent with what is currently located at the airport.

Councilmember Whalen asked Mr. Beets to respond to the applicant's comment that the case is not a zoning case. Mr. Beets said that he agrees with the applicant in part because it is a site plan review but added that he disagrees with respect to the ultimate meaning and said that staff amends zoning maps once site plans are approved.

In response to a request for clarification from Vice Mayor Davidson, Mr. Beets said that some of the language from #26 is being inserted into #12, and that the 30-month timeframe is a time bound restriction with respect to the road as well as the sewer.

Planning Director Frank Mizner informed the Council that this case will go to the Design Review Board and will also be referred back to the Town of Queen Creek.

Mr. Slavin expressed his client's appreciation to the Council and staff for their efforts and said that they support the ordinance with the 30-month addition.

In response to a question from Mr. Slavin on how the matter will proceed, Mr. Mizner stated that it was his understanding that adoption of the ordinance was going to be placed on hold until the quit claim deeds have been received for the right of way.

Mr. Balmer stated that if the Council wants to adopt the ordinance tonight, staff will work with the City Attorney's office to develop the contracts and language as previously discussed and those would be given to the applicant and other property owners in the area for their signatures and submission to the City. Mr. Balmer added that hopefully the signed contracts would be available by April 2nd when the Council will consider this ordinance. Mr. Balmer said that if all of the contracts have not been received by that time, it will be up to the Council to decide whether to continue the case for another two weeks or to proceed. Mr. Balmer said that staff's main concern is being certain that the right of way has been secured.

Mayor Hawker agreed with staff's recommendation and directed staff to prepare the contracts to dedicate the right of way. He added that the contracts will be null and void if the terms are not met.

Mr. Slavin said that he has discussed the matter with Mr. Brandt and Mr. Padilla and they have worked out a plan to prepare an agreement to dedicate the land sometime this week. He added that Mr. Brandt has assured him that everyone has given him indication that they will sign the contracts with the exception of one owner. He stated the opinion that almost all of the signatures can be obtained prior to April 2nd.

Mayor Hawker said that the Council can vote to approve the introduction of the ordinance at this time and then wait and see if all of the contracts are signed and submitted by April 2nd.

It was moved by Councilmember Pomeroy, seconded by Councilmember Whalen that the proposed ordinance with modifications pertaining to Zoning Case Z00-65 be introduced.

Mayor Hawker stated that Councilmember Jaffa will abstain from voting because of a potential conflict of interest.

Upon tabulation of votes, it showed:

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

Mayor Hawker declared the motion carried by majority vote of those voting.

- \*f. **Z00-90** 551 South Higley Road. Rezone from AG to O-S ( $\pm$  1 acre). This case involves the development of an office/daycare center.
- \*g. **Z01-04** The southeast corner of Power and McKellips Road. Site Plan Modification and rezone from R-2 PAD to C-2 (16 $\pm$  acres). This case involves development of a shopping center.
- \*h. **Z01-07** The northwest corner of Baseline and Greenfield Roads. Site Plan Modification (15 $\pm$  acres). This case involves development of a Super K Mart with shops and a pad building.
- \*i. **Z01-08** The southeast corner of Power Road and Madero. Rezone from R-3 to O-S (3.43 acres). This case involves development of an office complex.
- \*j. **Z01-09** The southwest corner of University Drive and Sun Valley Boulevard. Rezone from C-2 to O-S PAD (11.15 acres). This case involves development of an office complex.
- \*k. **Z01-10** The southwest corner of 32<sup>nd</sup> Street and Broadway Road. Rezone from R1-43 to R1-9 (3.03 acres). This case involves development of a seven lot subdivision.
- \*l. **Z01-11** 652 North Country Club Drive. Rezone from R-4 to O-S PAD (1.3 acres). This case involves the development of an office complex.
- \*m. Relating to animal regulation which will prohibit the sale of artificially colored pets; amending Chapter 5; Title 6 of the Mesa City Code, by adding a new Section 6-5-5; renumbering current Section 6-5-5 to 6-5-6 to conform; and creating penalties for violations.

9. Consider the following resolutions:

- \*a. Authorizing the City Manager to execute an Intergovernmental Agreement between the Maricopa County Department of Transportation and the City of Mesa for the operation and maintenance of the traffic signal at the intersection of Gilbert and McDowell Road – Resolution No. 7633.
- \*b. Authorizing the City Manager to execute necessary documents to acquire certain real property located at 1635 W. Carol and 1465 E. 2<sup>nd</sup> Ave., Mesa, Arizona, on behalf of ARM of Save the Family Foundation, and to lease the properties back to ARM of Save the Family Foundation – Resolution No. 7634.
- \*c. Authorizing the City Manager to execute an Intergovernmental Agreement between the City of Mesa and the Arizona Department of Transportation to accelerate the Red Mountain Freeway from Gilbert Road to Higley Road – Resolution No. 7635.
- \*d. Authorizing the sale of Highway Project Advancement Notes of up to \$41 million to fund the Mesa Loan to the Arizona Department of Transportation to accelerate the Red Mountain Freeway from Country Club Drive to Gilbert Road – Resolution No. 7636.
- \*e. Authorizing the City Manager to execute an agreement between the City of Mesa and the Arizona Governor’s Office of Highway Safety to provide funds for overtime reimbursement in support of drug/alcohol awareness and/or education and enforcement – Resolution No. 7637.

- \*f. Authorizing the City Manager to execute an agreement between the City of Mesa and the Arizona Governor's Office of Highway Safety providing for funds to purchase an aggressive driving enforcement vehicle and traffic enforcement equipment – Resolution No. 7638.
- \*g. Authorizing the City Manager to execute an agreement between the City of Mesa and the Arizona Governor's Office of Highway Safety to provide funds to (1) purchase fatal vision goggles (2) funds for officers to attend training conferences – Resolution No. 7639.

10. Consider the following recommendation from the Transportation Committee:

- \*a. Direct staff to meet with the neighbors in the area of Gilbert Road and the 202 and other freeway locations in Mesa to discuss and identify short and long-term traffic calming issues and solutions for future consideration.

11. Consider the following case from the Planning and Zoning Board and possible adoption of the corresponding ordinances.

- a. **Z00-22** The 8000-9100 blocks of East McKellips (both sides - between Hermosa Vista Drive and McLellan Roads). Rezone from R1-35-DMP (conceptual residential, office and commercial) to R1-35 (760± acres). This case involves the modification to conceptual approval of residential densities and land uses. State of Arizona, owner; represented by: Arizona State Land Department; City of Mesa, applicant. **CONTINUED FROM THE MAY 1, 2000, JULY 10, 2000, SEPTEMBER 11, 2000, NOVEMBER 6, 2000 AND FEBRUARY 5, 2001 MEETING.**

Mr. Mizner provided the Council with a brief overview of this case and said that the issue has been continued a number of times. Mr. Mizner discussed Council's options to approve the case, which would do away with the 1987 master plan; to deny the case, which would leave the property as it was in 1987 and to approve staff's recommendation which is to table this issue and direct staff to initiate a new zoning case to incorporate the 37 conditions that have been agreed to by the neighbors and the State. Mr. Mizner said that if the Council approves staff's recommendation, staff will schedule the case for hearing by the Planning and Zoning Board in May and the case will be brought before the Council for their consideration in July.

Bill Puffer, representing the Spook Hills Homeowners' Association Board of Directors, stated that the homeowners supported the rezoning of the case to go back to R1-35 but the Council decided not to proceed with that action. He said that his association is attempting to preserve the desert character of the area and added that in accordance with the current proposal, 30% of the land will be set aside as undisturbed desert and the homes that will be built will be concentrated on the rest of it. He stated support for the proposal and urged the Council to direct staff to proceed with this approach.

Carol Owens, a resident of Mesa, said that although she would prefer less homes, she believes that an acceptable compromise has been reached. She requested that native trees be used on the rims of the retention basins, preferably using vegetation that comes out of the site, and said that there is a minimum of 20 feet in the undisturbed portions of the washes and she would request that enough space be included to protect the vegetation on the banks no matter how wide the wash is. She also stated the opinion that the language contained in #31 regarding mass blading is not strong enough and asked that the language be strengthened as well as the penalties for violations.

Norm Lewis addressed the Council relative to this agenda and said that it was his intention to develop Mesa Highlands. He added that two of his partners have since passed away and he wants to retain the property as private property. He commented that he appreciates the cooperation of the City and State over the years but is compelled to say that the thrust of the original plan respects the criteria that has been added along the way. Half of the plan was dedicated to open space and admittedly, the golf course takes away from the natural desert but was a well intended plan. He stated that he is disappointed that the negotiations did not respect the economics of the development and said that an extensive marketing analysis went into the plan at the outset and to simply arbitrarily say 950 or 1150 units will be built, or so many acres of commercial will create a sufficient offset for the required offset, etc. is problematic. He commented that although he would like to see alternative #2 adopted, he can understand the Council's desire to table and move forward towards the proposed ordinance.

Gordon Taylor, 1616 West Adams Street, Phoenix, representing the State Land Department, said he appreciates the comments stated by Mr. Puffer. He reiterated that the Department has been working long and hard on this matter and believes that 90% of the differences have been resolved. He said that the introduction of the ordinance tonight is a good first step and he supports proceeding at this time.

It was moved by Councilmember Pomeroy, seconded by Councilmember Kavanaugh, that Zoning Case 00-22 be tabled and that staff be directed to initiate a new zoning case.

Councilmember Jaffa said that this is a very important part of northeast Mesa and added that the State and the City are in agreement that the densities and proposed developments in the 1987 plan for this area are outdated and protection of the last vast track of pristine, undisturbed desert is of paramount importance. Councilmember Jaffa said that he believes that the future development will be in harmony with this area. He added that he does support some cluster development but does not support the development of 1,050 homes as proposed. He said he hopes that the resulting project is one everybody can be proud of.

Additional discussion ensued relative to site line requirements, ridge lines, and the importance of preserving the area.

Councilmember Walters said that she appreciates all of the time and effort that has gone into protecting this important area. She added that the next time the City plans a bond election, she would like to pursue a measure similar to what was enacted in Scottsdale and Queen Creek, where money is set aside to purchase desert and citrus properties for preservation. Councilmember Walters also stressed the importance in the future of ensuring that the City's inspectors are aware of the importance of carefully considering washes. She said that she would support the motion.

Councilmember Kavanaugh said he supports the motion and commended the State Land Department, staff and the applicant for all of their hard work. He said that this case should serve as a model for other communities to follow and added that the project will be respectful of the character of the property and will create positive opportunities.

Carried unanimously.

12. Consider the following subdivision plats:

- \*a. "WALKING STICK AT LAS SENDAS" (Council District 5) The 3600 block of North Ridgecrest (east side) 36 R1-15 PAD DMP single residence lots (67.44 ac.) Sonoran Desert Holdings, L.L.C., developer; Wood, Patel and Associates, engineer.
- \*b. "SUNLAND SPRINGS VILLAGE UNIT THREE" (Council District 2) The 2400-2800 blocks of S. Springwood Blvd. 270 R1-6 DMP single residence lots (65.98 ac.) Farnsworth Development, developer; Clouse Engineering Inc., engineer.

13. Items from citizens present.

There were no items from citizens present.

14. Adjournment.

Without objection, the Regular Council Meeting adjourned at 8:11 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 19<sup>th</sup> day of March 2001. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this \_\_\_\_ day of \_\_\_\_\_ 2001

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BARBARA JONES, CITY CLERK

lgc