



## COUNCIL MINUTES

January 13, 2014

The City Council of the City of Mesa met in a Regular Council Meeting in the Council Chambers, 57 East 1st Street, on January 13, 2014 at 5:45 p.m.

### COUNCIL PRESENT

Scott Smith  
Christopher Glover  
Dennis Kavanaugh  
David Luna  
Scott Somers

### COUNCIL ABSENT

Alex Finter  
Dave Richins

### OFFICERS PRESENT

Christopher Brady  
Debbie Spinner  
Dee Ann Mickelsen

Mayor Smith excused Vice Mayor Finter and Councilmember Richins from the entire meeting.

Invocation by Reverend Mark Rowden, Immanuel Presbyterian Church.

Pledge of Allegiance was led by Mayor Smith.

Mayor's Welcome.

Awards, Recognitions and Announcements.

There were no awards, recognitions or announcements.

### 1. Take action on all consent agenda items.

All items listed with an asterisk (\*) will be considered as a group by the City Council and will be enacted with one motion. There will be no separate discussion of these items unless a Councilmember or citizen requests, in which event the item will be removed from the consent agenda and considered as a separate item. If a citizen wants an item removed from the consent agenda, a blue card must be completed and given to the City Clerk prior to the Council's vote on the consent agenda.

Mayor Smith stated that citizens have requested that items 4-l, 6-c and 6-d be removed from the consent agenda.

It was moved by Councilmember Somers, seconded by Councilmember Glover, that the consent agenda items, as amended, be approved.

Mayor Smith declared the motion carried unanimously by those present.

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

Minutes from the May 16, September 5 and 19, October 24 and 28, November 18, December 5, 9 and 19, 2013 Council meetings.

3. Take action on the following liquor license applications:

\*3-a. Mesa HoHoKams

This is a one-day civic event to be held on Saturday, January 25, 2014, from 12:00 p.m. to 8:00 p.m., at 2510 West Rio Salado Parkway. **(District 1)**

\*3-b. Fountain of the Sun Community Association

This is a one-day civic event to be held on Saturday, January 25, 2014, from 4:00 p.m. to 9:00 p.m., at 560 South 80<sup>th</sup> Street. **(District 5)**

\*3-c. Fountain of the Sun Community Association

This is a one-day civic event to be held on Saturday, March 15, 2014, from 4:00 p.m. to 9:00 p.m., at 560 South 80<sup>th</sup> Street. **(District 5)**

\*3-d. Venture Out Social Club Inc.

This is a one-day civic event to be held on Sunday, January 19, 2014, from 11:00 a.m. to 7:00 p.m., at 5001 East Main Street. **(District 2)**

\*3-e. Fry's Food & Drug #55

A grocery store is requesting to add sampling privileges to their existing Liquor Store License for Fry's Food & Drug #55, 1915 South Power Road, Fry's Food Stores of AZ, Inc. – Robert Joseph Nelson, agent. The existing Liquor Store License held by Fry's Food Stores of AZ, Inc. will revert back to the State for modification. **(District 6)**

\*3-f. ARCO AM PM

New Beer and Wine Store License for ARCO AM PM, 365 East Southern Avenue, Three Sonz IV, LLC – Hisham Adnan Beydoun, agent. This location has a Beer and Wine Store License held by So Mesa, LLC that will revert back to the State. **(District 4)**

\*3-g. Dollar General Store #14509

New Beer and Wine Store License for Dollar General Store #14509, 330 East Brown Road, DG Retail, LLC – Clare Hollie Abel, agent. This is an existing building with no current liquor license. **(District 1)**

\*3-h. Fat Greek

A restaurant that serves lunch and dinner is requesting a new Restaurant License for Fat Greek, LLC, 6447 East Southern Avenue, David Noel Candland, agent. This location has

a Restaurant License held by Aegean Blue, LLC that will revert back to the State.  
**(District 6)**

\*3-i. La Tiendita Cafe

A restaurant that serves lunch and dinner is requesting a new Restaurant License for La Tiendita Columbiana, LLC, 456 West Main Street, Suites A-B, German Dario Pardo, agent. The previous license held at this location by Flor Celestrin, individual, terminated at the State on 04/10/2009. **(District 4)**

\*3-j. Margaritas

A restaurant that serves lunch and dinner is requesting a new Restaurant License for Cinco Pesos, Inc., 10 West Main Street, Esmeralda DeLaCruz Jerez, agent. This location has a Restaurant License held by DeLaCruz Bistro, LLC that will revert back to the State.  
**(District 4)**

4. Take action on the following contracts:

\*4-a. One (1) – Year Renewal of the Term Contract for Window Cleaning Services for City Facilities as requested by the Facilities Maintenance Department. **(Citywide)**

Facilities Maintenance and Purchasing recommend authorizing a one-year renewal with Imperial Window Cleaning, Inc., at \$65,000 annually, based on estimated requirements.

\*4-b. Purchase of a Replacement Video Projector and Related Video Equipment for the Arts & Culture Department. **(Citywide)**

This purchase will provide a high definition video projector, lens, screen and other related video equipment for the Mesa Arts Center (MAC). This will replace an existing projector that is not bright enough or capable of accepting High-bandwidth Digital Content Protection compliant High-Definition Multimedia Interface signals. The existing projector will be reutilized elsewhere in the MAC.

Arts & Culture and Purchasing recommend awarding the contract to the lowest, responsive and responsible bidder, Audio Visual Innovations, Inc. – Signal Perfections, Ltd., at \$64,085.30. This purchase is funded by the Mesa Arts Center Restoration Fee.

\*4-c. Two (2) – Year Term Contract for Fire Hoods for the Fire and Medical Services Department. **(Citywide)**

This contract will provide fire hoods to replace current carbon fabric fire hoods that have met their life cycle. The City requires the purchase of Life Liner KL23 Fire Hoods or a City-approved equal.

Fire and Medical and Purchasing recommend awarding the contract to the lowest, responsive and responsible bidder, L.N. Curtis & Sons, at \$32,000 annually, based on estimated requirements.

- \*4-d. Purchase of eighty-one (81) Replacement Ruggedized Notebook Computers for the Fire and Medical Services Department's Electronic Patient Care Reporting System as requested by the Information Technology Department. **(Citywide)**

Current notebooks no longer meet the system requirements of the software causing significant performance issues for Fire and Medical field staff.

Information Technology and Purchasing recommend authorizing the purchase using the Mohave Educational Services Cooperative contract with CLH International, at \$308,872.68.

- \*4-e. Three (3) – Year Term Contract for Landscape Maintenance Services for Parks, Retention Basins and Sports Fields – Zone 4 for the Parks, Recreation and Commercial Facilities Department. **(Districts 1, 3 and 4)**

This purchase is for routine landscape maintenance and furnishes all supervision, labor and equipment to provide landscape maintenance of parks, retention basins and sports fields from the City's southern, western and northern boundaries to Stapley Drive; an area designated as Zone 4.

A committee representing Parks, Recreation and Commercial Facilities (PRCF) and Purchasing evaluated the responses, and recommends awarding the contract to the highest scored proposal, second lowest bidder, Mariposa Landscape Arizona, Inc., at \$695,262.41 for routine landscape maintenance, plus \$139,052.48 (20% for contingency), for a total award of \$834,314.89 annually, based on estimated requirements. This purchase is funded by the Environmental Compliance Fee (\$536,422.36) and by the PRCF operating budget (\$297,892.53).

- \*4-f. One (1) – Year Renewal of the Term Contract for Automotive Lubricants for the Fleet Services and Fire and Medical Services Departments. **(Citywide)**

This contract provides automotive lubricants and oils for City vehicles and equipment maintained by Fleet Services, as well as fire vehicles, equipment and apparatus maintained by Fire Maintenance.

Fleet Services, Fire and Medical and Purchasing recommend authorizing a one-year renewal using the State of Arizona cooperative contract with Senergy Petroleum, LLC (a Mesa business), at \$340,000 annually, based on estimated requirements.

- \*4-g. Purchase of Four (4) Replacement Vehicles, including Two (2) Cargo Vans and Two (2) Prisoner Transport Vans for the Police Department. **(Citywide)**

The current vehicles being replaced have met established criteria and will be retired and sold at auction.

Fleet Services, Police and Purchasing recommend awarding the contract to the lowest, responsive and responsible bidder, PFVT Motors, Inc., at \$49,210.63, and qualified single bidder, Braun Northwest, Inc., at \$187,937.84. The total contract award is \$237,148.47. This purchase is funded by the Vehicle Replacement Fund.

- \*4-h. Purchase of Four (4) Replacement Law Enforcement Vehicles (Sedans) for the Police Department. **(Citywide)**

The proposed vehicles will be rear-wheel drive Chevrolet Caprices assigned as patrol units and upfitted for patrol use replacing vehicles that have met established criteria for replacement. The vehicles being replaced will be retired and sold at auction.

Fleet Services, Police and Purchasing recommend awarding the contract to the lowest, responsive and responsible bidder, Brown & Brown Chevrolet (a Mesa business), at \$143,683.75. This purchase is funded by the Vehicle Replacement Fund.

- \*4-i. Purchase of Three (3) Replacement All-Wheel Drive Backhoes for the Water Resources and Parks, Recreation and Commercial Facilities Departments. **(Citywide)**

Two Backhoes will support Water Resources and one will support Parks, Recreation and Commercial Facilities operations. The equipment has met life cycle replacement criteria due to age and high maintenance costs and will be retired and sold at auction.

Fleet Services, Water Resources, Parks, Recreation and Commercial Facilities and Purchasing recommend awarding the contract to the lowest, responsive and responsible bidder, Empire Southwest, LLC (a Mesa business), at \$352,318.63. This purchase is funded by the Utility Replacement Extension and Renewal Fund (\$234,879.09) and by the Vehicle Replacement Fund (\$117,439.54).

- \*4-j. Three (3) – Year Term Contract for Wood Poles for the Materials and Supply Warehouse (for the Energy Resources Department). **(Citywide)**

Electric Utility continues to use wooden poles within their electric distribution (4 kilo Volt & 12 kilo Volt) system. The poles and cross arms under this contract will be used mostly for converting the remaining 4 kV circuits to 12 kV, replacements due to storm damage and of older poles that are nearing the end of their useful life. The poles will be stocked and available to replace existing poles that have been inspected and determined to be in need of replacement.

Energy Resources and Purchasing recommend awarding the contract to the lowest, responsive and responsible bidders, McFarland Cascade Holdings, Inc., dba McFarland Cascade, at \$153,000; and Wesco Distribution, Inc., at \$7,200; annually, based on estimated requirements. The combined total award is \$160,200 annually.

- \*4-k. Three (3) – Year Term Contract for Fire Hydrant Water Meters for the Water Resources Department. **(Citywide)**

This contract will provide 3" fire hydrant water meters to accurately measure construction water use of fire hydrants. The meters are installed by Water Utility staff to serve contractors and other customers needing to connect to City fire hydrants for temporary construction water service and dust control purposes.

Water Resources and Purchasing recommend awarding the contract to the lowest, responsive and responsible bidder, Badger Meter Inc., at \$46,000 annually, based on estimated requirements. This purchase is funded by 2010 Water Bonds.

4-l. See: **Items not on the Consent Agenda.**

- \*4-m. Addition of One (1) Year to the Term Contract for Bulk Methanol for Wastewater Treatment for the Water Resources Department. **(District 1)**

This contract provides bulk methanol, including delivery, for the Northwest Water Reclamation Plant. The plant uses bulk methanol to treat wastewater as a carbon source to assist the biological process in removing nitrogen from the water produced. It is not used at Mesa's other water reclamation plants.

On November 4, 2013, the Council approved the initial two-year contract. An additional one-year term is requested at this time to correct the initial contract term from two to three years per the bid solicitation.

Water Resources and Purchasing recommend awarding the contract to the lowest, responsive and responsible bidder, Tarr, LLC, at \$160,000 annually, based on estimated requirements.

5. Take action on the following resolutions:

- \*5-a. Extinguish Public Drainage Easements, Public Utilities and Facilities Easements, a Public Utilities Easement, Sight Visibility Easements and Vehicular Non-Access Easements and vacate Rights-of-Way within "Mountain Horizons Phase 2" and "Mountain Horizons Unit 13." **(District 6)** – Resolution No. 10376.

The property owner is requesting that the City extinguish the easements and vacate the rights-of-way. New easements and rights-of-way will be dedicated by the property owner that will accommodate the proposed development.

- \*5-b. Extinguishing a portion of an 8-foot Public Utility Easement at 8237 East Fay Avenue, Lot 752 of FOUNTAIN OF THE SUN – PARCEL NO. 4, as recorded in Book 155 of Maps, Page 20, records of Maricopa County, Arizona. **(District 6)** – Resolution No. 10377.

6. Introduction of the following ordinances and setting January 27, 2014 as the date of the public hearing on these ordinances:

- \*6-a. **A13-04 (District 5)** Annexing land located north of Adobe Road and west of Signal Butte Road (40± acres). Initiated by the property owner, Landholdings Investment Co., LLC.
- \*6-b. **Z13-058 (District 5)** The 2000 block of North Sossaman Road (east side) and the 7600 block of East McKellips Road (north side). Located at the northeast corner of Sossaman Road and McKellips Road (8.59± acres). Modification of a Planned Area Development to reduce setback requirements for lots in a residential subdivision.

Staff Recommendation: Approval with Conditions

P&Z Board Recommendation: Approval with Conditions (Vote: 7-0)

- 6-c. See: **Items not on the Consent Agenda.**

6-d. See: **Items not on the Consent Agenda.**

- \*6-e. Amending Sections 10-4-4 and 10-4-5 of the Mesa City Code regarding the following traffic modifications as recommended by the Transportation Advisory Board:

**Speed Limits (35 mph): 10-4-5**

Establish a speed limit of 35 mph on Point Twenty-Two Boulevard from Ellsworth Road to Signal Butte Road. **(District 6)**

Establish a speed limit of 35 mph on Eastmark Parkway from the north City limits to the south City limits. **(District 6)**

**Speed Limits (40 mph): 10-4-4**

Establish a speed limit of 40 mph on Williams Field Road from the west City limits to Innovation Way. **(District 6)**

- \*6-f. Amending the Mesa Zoning Ordinance; Title 11 of the Mesa City Code. Amendments include various housekeeping items and minor revisions to Title 11, Chapters 2 through 8 and 30 through 34. **(Citywide)**

The housekeeping items include minor revisions to: spelling and grammar, establishing land use and development standards related to residential commercial downtown and industrial zoning districts, building setbacks, accessory buildings in residential districts, allowance of community gardens, indoor recycling facilities, recreational vehicle storage lots, establishing standards for the temporary use of modular buildings during remodeling of existing buildings, modifying parking standards for sites adjacent to transit stops, making allowances for substitutions of ocotillo plants for required landscape trees, making minor technical changes with regard to listing of form-based transect district and measuring required separations between land uses. Also, preserving rights and duties that have already matured and proceedings, which have already begun.

- \*6-g. Amending Title 11, Chapter 5 (Land Use Regulations) and Chapter 86 (Commercial Use Classifications) regarding the definition of 'vacation homes' as a commercial land use activity, and the listing of 'vacation homes' as a permitted land use in residential zoning districts. **(Citywide)**

7. Discuss, receive public comment and take action on the following ordinances introduced at a prior Council meeting. Any citizen who would like to provide a comment should submit a blue card to the City Clerk before the item is voted on. If a citizen wants to comment on an item listed with an asterisk (\*), a blue card must be given to the City Clerk before Council votes on the Consent Agenda.

- \*7-a. **Z13-055 (District 2)** The 4100 block of East Southern Avenue (south side). Located on the southwest corner of East Southern Avenue and South Norfolk (6.2± acres). Rezone from RS-15 to RS-9 and Site Plan Review. This request will allow the development of a 17-lot single-residence subdivision – Ordinance No. 5197.

**Staff Recommendation:** Approval with Conditions

P&Z Recommendation: Approval with Conditions (Vote: 5-0-1, Carter absent, Arnett abstain.)

- \*7-b. **Z13-057 (District 2)** The 3600 to the 3900 blocks of East Brown Road (south side). Located on the southeast corner of East Brown Road and North Val Vista Drive (60± acres). Rezone from RS-15 to RS-15 PAD and Site Plan Review. This request will allow the development of a 98-lot single-residence subdivision – Ordinance No. 5198.

Staff Recommendation: Approval with Conditions

P&Z Board Recommendation: Approval with Conditions (Vote: 6-0, Carter absent.)

8. Take action on the following subdivision plats:

- \*8-a. “Map of Dedication – Crismon Road” **(District 6)** The 5200 to the 5400 blocks of South Crismon Road. Located on Crismon Road between Ray Road and Williams Field Road (alignment). EM 646, LLC, owner; Joe Kraft, EPS Group, Inc., engineer.
- \*8-b. “Map of Dedication – Eastmark Parkway” **(District 6)** The 5200 to the 5600 blocks of South Eastmark Parkway. Located between the Crismon Road alignment and Signal Butte Road and between Ray Road and Williams Field Road (alignment). EM 646, LLC, owner; Joe Kraft, EPS Group, Inc., engineer.

Items not on the Consent Agenda

4-l. Mesa Aquatic Complex **(District 4)**

This project is a part of the 2012 Parks Bond Program as a replacement for the aging Taylor Pool and will be more centrally located for aquatic opportunities. The Mesa Aquatic Complex will be built on the campus of Mesa High School at the southwest corner of the school property. The aquatic complex will include both a lap and recreation pool, as well as a new building with enclosed restrooms, lockers, offices and a classroom.

Staff recommends Sun Eagle Corporation as the Construction Manager at Risk for this project, as well as a Design Phase Services contract with Sun Eagle Corporation in the amount of \$46,625. Funding is available in the 2012 Parks Bond Authorization.

Parks, Recreation and Commercial Facilities (PRCF) Department Director Marc Heirshberg reported that the Mesa Aquatic Complex project was initially included in the 2012 Bond Program as a replacement for Taylor Junior High School’s aging pool. He explained that subsequent to the Bond Election, a group of citizens met with officials from the City and Mesa Public Schools (MPS) and asked if both entities would consider moving the facility to Mesa High School. He stated that such a request was made so that the swim team and Physical Education classes could utilize the facility similar to the model implemented at Skyline High School.

Mayor Smith commented that the citizens’ request was not the first time that Mesa High was considered as a possible location for the pool. He pointed out that the City and MPS had weighed the alternatives between Taylor and Mesa High for a period of time.



Mr. Heirshberg confirmed Mayor Smith's comments and noted that such conversations between the City and MPS occurred long before their respective Bond Elections.

Mr. Heirshberg advised that as a result of the meetings between the City, MPS and the citizen group, a determination was made that the pool should be located in the southwestern corner of Mesa High's existing parking lot (East Southern Avenue and South Harris Drive). He said that the original site plans illustrated more parking spots being displaced than what is currently shown on the final site plan.

Responding to a question from Mayor Smith, Mr. Heirshberg clarified that during the original discussions prior to the Bond Elections, one plan showed the pool situated at the corner of Southern Avenue and Harris Drive, with field redevelopment occurring on the back portion of the property at 8<sup>th</sup> Avenue and Harris Drive and parking modifications in the center of the campus. He noted that the MPS School Board opted not to participate in that project.

Mayor Smith restated that a decision was made by MPS that it did not want the pool located at the back portion of the property since it had long-term plans for the area.

Mr. Heirshberg, in addition, reported that a second concept that was considered was situating the pool at 8<sup>th</sup> Avenue and Harris Drive. He explained that when MPS determined that it was not interested in jointly funding the project through the issuance of bonds, City officials suggested reinvesting at the Taylor site since the utility infrastructure was already in place.

In response to comments from Mayor Smith, Mr. Heirshberg remarked that one of the reasons for eliminating the 8<sup>th</sup> Avenue and Harris Drive site was the fact that extending the gas and electric utilities back to the site would have cost an estimated \$250,000. He stated that with an \$8 million budget to construct the facility, adding such expenses would have been cost prohibitive.

Mr. Heirshberg continued with his presentation and commented that the most recent site plan for the project shows approximately 280 fewer parking spots, which would leave an estimated 600 spaces. He stated that if Mesa High wanted to utilize any portion of the car driving range, located at the back of the school property, for expanded parking or overflow, the City has offered to assist in installing milling or striping. He noted that such conversations are ongoing at this time.

Mr. Heirshberg pointed out, in addition, that the current site plan has shifted the location of the pool as close as possible to Harris Drive, without overlapping the pool onto a sewer line; narrowed the space within the pool to an area that is still usable; and added 50 more parking spaces back into the design for the school's use.

Responding to a question from Mayor Smith, City Manager Christopher Brady clarified that on several occasions, he has spoken with the Superintendent of MPS regarding the issue of parking. He commented that based on those conversations, it was his understanding that there may be a few occasions during the year, such as football games or large events, when there might be a need for overflow parking at Mesa High. He noted, however, that from a day-to-day perspective, the Superintendent did not believe the proposed number of parking spaces would have a significant impact on the school. He added that the City wanted to ensure that the aquatic complex would be visible to the community and endeavored to compromise with visibility and retain as much parking as possible.

Mayor Smith stated that the City wanted to make sure that removing parking spaces from the site would not create significant day-to-day operational difficulties for the school. He also commented that it was felt that the location of the pool on Southern Avenue and Harris Drive would create a visual amenity for the public.

Mr. Brady further commented that at the present time, the Mesa High swim team is bused to Brimhall Aquatics Complex for practice. He said that the new facility would be a great amenity for those individuals.

Mayor Smith thanked Mr. Heirshberg for the presentation.

Alexis Riordan, a Mesa resident and a student at Mesa High, expressed a series of concerns regarding the placement of the pool at Southern Avenue and Harris Drive. She stated that with fewer parking spaces available, students who drive to school will be impacted, especially with the influx next year of freshman and sophomore students who obtain their driver's licenses. She also noted that in her opinion, the 8<sup>th</sup> Avenue and Harris Drive site would be a more appropriate location for the facility.

Thomas Contreras, a Mesa resident and a senior at Mesa High, concurred with the comments of the previous speaker. He reiterated that with less parking on campus, it might be necessary for students to park on the street in front of private homes, which could cause problems for the homeowners.

Discussion ensued relative to the fact that the Superintendent of MPS surveyed the current day parking needs at Mesa High; that the analysis revealed that a significant amount of under-utilized parking space still remains at the site; that the parking spaces will be used for City events primarily during the summer and when school is not in session; that the City will be sensitive to the parking issue; and that the Superintendent of MPS indicated that the school district would consider utilizing the car driving range to accommodate overflow parking in the future.

Mr. Brady further remarked that after the Bond Election, it was determined that the monies earmarked for the Taylor pool project were not going to be sufficient if the aquatic complex was moved to Mesa High. He recognized Councilmember Glover and thanked him for committing to reallocate dollars for projects in his district in order to ensure that the Mesa Aquatic Complex could become a reality.

Mayor Smith thanked the speakers for their input and assured them that the issues they raised have been discussed in the past. He also acknowledged that during football games and major events, fewer parking spaces would create an issue, but assured everyone that the positives of the facility would outweigh the negatives.

It was moved by Councilmember Glover, seconded by Councilmember Somers, that the recommendations of staff be approved.

Mayor Smith declared the motion carried unanimously by those present.

- 6-c. **Z13-061 (District 5)** The 10500 to 10700 blocks of East Adobe Road (north side) and the 800 to 900 blocks of North Signal Butte Road (west side). Located at the northwest corner of Signal Butte Road and Adobe Road (40.0± acres). Rezone from Maricopa

County Rural-43 to City of Mesa RS-35. This request will establish City of Mesa zoning on recently annexed property.

Staff Recommendation: Approval with Conditions

P&Z Board Recommendation: Approval with Conditions (Vote: 7-0)

Planning Director John Wesley reported that items 6-c and 6-d relate to 40 acres of property located at the northwest corner of Signal Butte and Adobe Roads. He explained that the property was previously platted in Maricopa County as a 40-lot subdivision and stated that the current owner has requested annexation (6-c) and rezoning of the property to RS-15-PAD (6-d) to allow for the stipulated maximum 71-lot subdivision.

Mr. Wesley advised that per the Mesa General Plan, the area is zoned Low Density Residential, 1 to 2 units per acre, and noted that the density for the subject property is 1.8 units per acre. He added that staff has worked with the developer to ensure that the lot sizes for the project are compatible with those in the surrounding area.

Mayor Smith commented that when the property was zoned for 1 lot per acre in the County, that would have entailed a grid with 1 lot, but no required amenities or improvements. He said that the idea of going from a 1 lot per acre standard to a PAD provides the City the opportunity "to move things around," create more opportunities for planned open space and require certain improvements.

Mr. Wesley confirmed Mayor Smith's statement.

Mayor Smith clarified that tonight these items are merely being introduced and noted that the Council will not take final action until January 27, 2014.

Deb Krmpotic, a Mesa resident, stated that her home is located on Adobe Road immediately adjacent to the subject property on which Blandford Homes intends to build more than 70 homes. She explained that Adobe, which is a dirt road, connects Signal Butte and Crismon Roads and said that Smith Junior High School is located at the corner of Crismon and Adobe. She also indicated that Adobe is privately maintained at the expense of the surrounding property owners. She expressed concern that the high-density development will not only create increased dust issues on Adobe, but also cause safety concerns for the students who will travel along the road to Smith Junior High.

Ms. Krmpotic further advised that there are ten property owners in the surrounding neighborhood, all of whom have signed a petition opposing the development. **(See Attachment 1)** She urged the Council to "hold the developer accountable for the problems that they are sure to create."

Responding to a question from Mayor Smith, Ms. Krmpotic verified that Adobe between Signal Butte and Crismon is a dirt road that is privately maintained. She noted, however, that she was unsure of the history of the road.

In response to a question from Mayor Smith, Mr. Wesley confirmed that when this case was discussed at the Planning & Zoning (P&Z) Board meeting, a citizen expressed similar concerns to those voiced by Ms. Krmpotic. He explained that the developer will be responsible for their half

street of the frontage in order to make it a usable road. He added that beyond that area over to Crismon would not be within their normal requirements for improvements.

Ms. Krmpotic reiterated that Smith Junior High is located at Crismon and Adobe.

Mayor Smith questioned whether it would be reasonable to assume that the development would attract families with school-age children who would attend Smith Junior High; that the subdivision would generate new traffic; that if the families drive down the unimproved portion of Adobe to the school, a significant amount of dust will be generated that does not occur at the present time; and that such events will create an inevitable impact on the existing neighborhood.

Mr. Wesley concurred with Mayor Smith's assumptions. He suggested that prior to the January 27<sup>th</sup> public hearing on these issues, staff could bring back further information regarding possible options that the Council might wish to consider in this regard.

Councilmember Kavanaugh stated that he would be curious to know whether the County has any jurisdiction over this road. He suggested that staff contact the County or the County Supervisor's service area concerning this matter and noted that perhaps the County would have some responsibility to jointly develop Adobe. He added that there were various safety issues concerning this case that he was uncomfortable with at this time.

(The Council reviewed a Google aerial map illustrating an area of Adobe Road between 104<sup>th</sup> Street and 105<sup>th</sup> Street that is not blacktopped.)

Councilmember Somers inquired that hypothetically, if the City wanted to make improvements to Adobe, such as installing rural road asphalt, whether the neighbors would be interested in such an option.

Ms. Krmpotic responded that might be an alternative the surrounding homeowners would agree to.

Councilmember Somers commented that perhaps some agreement could be made between the City and the developer to make improvements to the dirt road if, for no other reason, to address the dust concerns. He said that he was not suggesting that the road be brought up to City standards, but certainly "some type of County standard."

Responding to a question from Councilmember Luna, Ms. Krmpotic clarified that if the City and the developer could find a reasonable solution to pave the road and make it safe for students traveling to and from the housing development and Smith Junior High, such efforts would satisfy the neighbors' concerns.

Mayor Smith suggested that a key question that needs to be answered is: What is the legal status of the dirt road? He cited, for instance, if the road is private, it would be important for staff to confer with the County to determine whether it has any plans with respect to that particular section of Adobe. He also remarked that if it is not a dedicated road and privately owned, it would be considered a private drive.

City Attorney Debbie Spinner responded that she was unsure whether the road was a private drive or a County road.

Mayor Smith urged staff to obtain more information regarding the legal status of that specific stretch of Adobe Road.

Councilmember Luna, who represents this area of Mesa, concurred with Mayor Smith's suggestions. He said that he would like Mr. Wesley and Mr. Brady to come up with some sensible solutions to resolve this matter.

Mr. Brady indicated that the property owners who move into the new subdivision will pay for the cost of the street improvements, with such costs embedded in their land values. He suggested that one option might be for the City to implement a street assessment process. He noted, however, that since that stretch of Adobe is fairly long, it would be necessary to have enough property owners who would be willing to pay their fair share of the cost.

(The Council and staff once again referenced the Google aerial map and discussed the area of Adobe Road in question.)

Mayor Smith reiterated that staff research the legal status of that specific stretch of Adobe Road prior to proposing any options to resolve this matter.

Further discussion ensued among the Council relative to the direction in which they wished to proceed with items 6-c and 6-d; and the fact that the Council already voted to approve the introduction of item 6-a (**A13-04** Annexing land located north of Adobe Road and west of Signal Butte Road).

Mayor Smith stated that it was the consensus of the Council that items 6-c and 6-d be continued, pending clarification of the legal status of Adobe Road; and that item 6-a be brought back for final action in conjunction with items 6-c and 6-d.

Mayor Smith thanked Ms. Krmpotic for her input.

6-d. **Z13-062 (District 5)** The 10500 to 10700 blocks of East Adobe Road (north side) and the 800 to 900 blocks of North Signal Butte Road (west side). Located at the northwest corner of Signal Butte Road and Adobe Road. (40.0± acres). Rezone from RS-35 to RS-15-PAD to allow the development of a single-residence subdivision.

Staff Recommendation: Approval with Conditions

P&Z Board Recommendation: Approval with Conditions (Vote: 7-0)

(See the Council's discussion under item 6-c.)

9. Items from citizens present.

There were no items from citizens present.

10. Adjournment.

Without objection, the Regular Council Meeting adjourned at 6:46 p.m.

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SCOTT SMITH, MAYOR

ATTEST:

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DEE ANN MICKELSEN, 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 13<sup>th</sup> day of January 2014. I further certify that the meeting was duly called and held and that a quorum was present.

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DEE ANN MICKELSEN, CITY CLERK

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(attachment – 1)

Blandford homes is planning to build over 70 homes on approximately 40 acres at the northwest corner of Signal Butte and Adobe. We the undersigned oppose this project without a solution to Adobe Road. Adobe Road will experience increased traffic on a road that is currently a privately maintained. The primary concern is related to both safety and dust. Children walk down Adobe Road to get to Smith Junior High at the corner of Adobe and Crismon. Increased traffic generated from the development will use Adobe to get to the school threatening safety of pedestrians and increasing dust.

Signatures

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