

# COUNCIL MINUTES

December 1, 1997

The City Council of the City of Mesa met in a Regular Council Meeting in the Conference Theatre of the Centennial Conference Center, 201 North Center Street, on December 1, 1997 at 5:45 p.m.

## COUNCIL PRESENT

Mayor Wayne Brown  
Pat Gilbert  
John Giles  
Dennis Kavanaugh  
Joan Payne  
Wayne Pomeroy  
Claudia Walters

## COUNCIL ABSENT

None  
  
POLICE OFFICER  
PRESENT  
  
Lyle Burton

## OFFICERS PRESENT

C.K. Luster  
Neal Beets  
Barbara Jones

The Invocation was given by Reverend Nathan Miller, Desert Heritage Church.

The Pledge of Allegiance was led by Serena Scott, Troop #778.

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

It was moved by Councilmember Pomeroy, seconded by Councilmember Giles, that the minutes of November 14 and 17, 1997 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 Councilmember Pomeroy, seconded by Councilmember Giles, that the consent agenda items be approved.

Carried unanimously.

3. Consider the following liquor license applications.

\*a. JOSEPH WILLIAM ANSLOVER, ETAL

New Restaurant License for Floridino's Pizza & Pasta, 116 N. Lindsay Road, #16 & 17. This is a new business, no previous liquor licenses at this location.

\*b. SARWAN SINGH, AGENT

New Restaurant License for Royal Taj, 830 W. Southern Avenue, #1. The license previously held at this location by William K. McKeon, Agent, The McKeon Group, Inc., will revert back to the State.

4. Consider the following contracts.

\*a. Ten 1/2-ton pickup trucks for various City departments. Nine of the requested vehicles are replacements; one is an addition to the fleet.

The Purchasing Division recommends authorizing purchase from the State of Arizona contracts, as follows:

Sections I and II to Lou Grubb Ford for \$214,147.17 including extended warranties for each vehicle and applicable sales tax;

The combined award is then \$214,147.17.

\*b. Election Printing for the 1998 Primary and General Elections as requested by the City Clerk's Office.

The Purchasing Division recommends accepting the lowest overall bid by Fidelity Press West at \$33,649.00 plus 7.05% sales tax of \$2,372.25 for a total of \$36,021.25, based on estimated requirements.

\*c. Annual supply contract for square sign posts and anchor assemblies for warehouse inventory to be used by the Transportation Division.

The Purchasing Division recommends accepting the bid meeting specification by Unistrut Arizona (base bid) at \$182,958.00 plus 7.05% sales tax of \$12,898.53 for a total of \$195,856.53 based on estimated requirements.

\*d. Solid Waste Container Repair Facility.

This project involves constructing a new Solid Waste Container Repair Facility at 2412 North Center Street (northwest corner of Lehi Road and Center Street).

Recommend award to low bidder, Klondyke, Inc., in the amount of \$339,585.00.

\*e. Sportsfield Lighting at Various School Sites.

This project involves installing sportsfield lighting improvements at Fremont Junior High School (1001 North Power Road), Stapley Junior High School (3240 East Hermosa Vista Drive), and Red Mountain High School (7301 East Brown Road).

Recommend award to low bidder, Kimbrell Electric, Inc., in the amount of \$254,700.00.

5. Introduction of the following ordinances and setting December 15, 1997 as the date for the public hearing on these ordinances.

(Note: City Council introduction of ordinances does not necessarily reflect City Council approval of these ordinances. Introduction of ordinances sets in motion the public posting and advertising process for ordinances so that the City Council can hear from concerned citizens at the public hearing.)

- \*a. **Z97-93** The southwest corner of Brown Road and 40th Street. Rezone from AG to R1-15 (16± acres). This case involves development of a 20 lot single residence subdivision.
- \*b. **Z97-94** The 600 block of North Val Vista Drive - west side. Rezone from R1-15 to R1-15-PAD (17± acres). This case involves development of a 33 lot single residence subdivision.
- \*c. **Z97-95** The southwest corner of 8th and May Streets. Modification of an approved ordinance and Site Plan Review (19± acres). This case involves the development of a 340 unit apartment complex.
- \*d. **Z97-96** The 2400 block of North 64th Street (east side). Rezone from R1-35 to R1-6 (1+ acre). This case involves a 4 lot subdivision.
- \*e. **Z97-98** 2650 East Southern Avenue. Rezone from R1-43 to O-S (1± acre). This case involves the conversion of a residence for use as a law office.
- \*f. **Z97-101** The southwest corner of East Main Street and Cheshire. Rezone from C-2 to C-3 (4± acres). This case involves development of a manufactured home sales lot.
- \*g. **Z97-102** The 6700 block of East Superstition Springs Boulevard (south side). Site Plan Review (2± acres). This case involves the development of a two story medical/dental building.
- \*h. **CZ97-001TC** 121, 125, 131, 135, 163 South Robson Street and 150 West Second Avenue. Rezoning from TCR-3 to TCB-1 (2± acres). This case involves the potential expansion of four existing town center businesses.
- \*i. **CZ97-002TC** 433, 439, 443, 453-455 West Dana Street, 153 & 155 South Vineyard Avenue and 444 West Second Avenue. Rezoning from C-2, C-3 & R-2 to TCB-2 (1.33+ acres). This case involves the expansion of an existing business.

6. Consider the following resolutions.

- a. Accepting the disposition and development agreement with Mesa Cold Storage Ltd. for Site 18, authorizing the City Manager to execute a disposition and development agreement and all other instruments necessary to carry out the provisions of the agreement, and authorizing the acquisition of various parcels of land and attached improvements by purchase, trade, dedication, donation or under the power of eminent domain, as a matter of public use and necessity - Resolution No. 7122.

Bill Brando, 61 South Macdonald, requested that he be provided a copy of the agreement relative to this issue. Mr. Brando expressed the opinion that downtown redevelopment efforts favor larger businesses and negatively impact smaller establishments.

It was moved by Vice Mayor Gilbert, seconded by Councilmember Walters, that Resolution No. 7122 be adopted.

Carried unanimously.

- \*b. Authorizing the City Manager to execute and Intergovernmental Agreement among the Cities of Mesa, Chandler, Glendale, and Scottsdale for joint legal representation in the Gila River General Stream Adjudication - Resolution No. 7121.
- c. Implementing measures in the MAG 1997 Serious Area Particulate Plan for PM-10 for the Maricopa County area - Resolution No. 7123.

It was moved by Vice Mayor Gilbert, seconded by Councilmember Pomeroy, that Resolution No. 7123 be adopted.

Upon tabulation of votes, it showed:

AYES - Brown-Gilbert-Giles-Kavanaugh-Pomeroy-Walters  
NAYS - Payne

Mayor Brown declared the motion carried by majority vote and Resolution No. 7123 adopted.

\*7. Consider entering into a lease agreement with J P. Zachs Inc. for the food/beverage service concession at Dobson Ranch Golf Course effective January 1, 1998 and terminating December 31, 2002.

\*8. The Mayor and Council of the City of Mesa give notice of their intention to consider revising water and wastewater development fees eliminating the residential development tax and adopting development fees for parks facilities library facilities arterial streets, cultural facilities and fire facilities.

9. Consider the following case from the Planning and Zoning Board and possible adoption of the corresponding ordinance:

- a. **Z97-61** The 3600 through 4400 blocks of North Hawes Road (North 84th Street), both sides. Rezone from R1-90 to R1-90-DMP. **CONTINUED FROM THE OCTOBER 20, 1997 COUNCIL MEETING.**

P&Z Recommendation: Approval with conditions (vote 4-3; Brock Farnsworth, Jaffa nay).

1. Compliance with the basic development as shown on the Staff Recommendation Table for Las Sendas Mountain as noted in the Building Envelope Column, except that a clustering option be allowed for one (1) 12 acre parcel for 96 units at 8 du/ac to provide a total of 378 units for the DMP, and except as noted below;
2. Review and approval by the Planning and Zoning Board and City Council of future development plans;
3. Utilization of the Las Sendas Design Guidelines for Las Sendas Mountain;
4. Any request for density transfers shall be considered on a case by case basis, with all parcels involved rezoned together;
5. The same land use classifications shall be used for Las Sendas Mountain as are currently shown for Las Sendas;
6. A native plant inventory for each parcel shall be prepared prior to final plat approval;
7. All disturbed areas must be fully revegetated. The larger materials should be those salvaged from the site itself. Additional plant material from the Las Sendas "Approved Plant List" may be used to augment the original desert;
8. Compliance with all City development codes and regulations;
9. Compliance with all requirements of the Public Works Department (Engineering and Traffic Engineering, etc.);
10. Dedicate the right-of-way required under the Mesa City Code at the time of recordation of the subdivision plat, or at the time of the City's request for dedication, whichever comes first;
11. Multi-purpose trail access (possibly including hiking, mountain biking, and equestrian) to the Tonto National Forest is to be resolved prior to platting parcels adjacent to Forest Boundary;
12. All proposed preliminary plats shall be designed to preserve unique desert features, existing mature vegetation and natural characteristics of each site;
13. All common area open space tracts will eventually be owned by the Homeowners association or some public agency such as a conservancy trust or similar organization;
14. There is to be a future street connection to the National Forest boundary.

Mr. Bill Puffer, representing the Spook Hill Homeowners' Association, informed the Council that everyone involved in this issue has diligently strived to arrive at an acceptable compromise. Mr. Puffer advised that a tentative agreement to limit the number of dwellings to a total of 342 units has been reached between the applicant and the members of both the Spook Hill and Las Sendas Homeowners' Associations. Mr. Puffer indicated that additional agreements relative to density levels for future development of adjacent parcels at Las Sendas have also been tentatively agreed upon by the applicant and the homeowners' associations. Mr. Puffer explained that the agreement is tentative pending receipt of input from the members of both homeowner associations and added that should the homeowners not support the proposal, the agreement will be canceled.

In response to a question from Mayor Brown, Mr. Puffer stated that the additional agreements include an arrangement with the applicant to limit the density levels of future projects on a number of parcels located adjacent to Las Sendas Mountain in return for the homeowners' support of the current proposal.

Mr. Puffer requested input from representatives of the Las Sendas and Spook Hill Homeowners' Associations relative to this issue. Mayor Brown encouraged Mr. Puffer to meet with the homeowners at this time and indicated the Council's intention to vote on this agenda item at the current meeting.

Ralph Pew, 10 West Main Street, an attorney representing the applicant, outlined the proposed modifications to the ordinance governing this case, which have been tentatively agreed to by all parties: 1) a reduction in density from the Planning and Zoning Board's recommendation of 378 units to a total of 342 units. Mr. Pew noted the applicant's willingness to revise density levels in Parcel B from low density residential to a maximum of one unit per acre; 2) density on Parcel H will be revised to allow one unit per acre with a maximum of 11 dwelling units; 3) applicant agrees to a 9,000 square foot lot size minimum on Parcels E, F and L; and 4) applicant agrees to an 8,250 square foot lot size minimum of Parcel K.

Mr. Pew stated that in addition to creating a master plan which represents a reduction in the amount of units recommended by the Planning and Zoning Board, the proposal also focuses on open space and appropriately addresses the Sonoran Desert Uplands. Mr. Pew requested that the Council vote to approve the zoning case at this time and indicated that the applicant is not requesting adoption of the ordinance since proposed revisions require publishing prior to adoption. Mr. Pew stated the opinion that following the approval of the zoning case at this time, staff should be directed to prepare an ordinance for introduction which will be attached to an exhibit containing the added agreements referred to by Mr. Puffer. Mr. Pew commented that the Council may then consider and vote on the ordinance at their first meeting in January.

Discussion ensued relative to the fact that the applicant is currently in the process of outlining an arrangement with the members of the Las Sendas and Spook Hill Homeowners' Association relative to the current Las Sendas project and the fact that the additional agreements represent an important factor in the homeowners' associations' support of the project currently under discussion.

Councilmember Giles stated that staff should be directed to prepare an ordinance for introduction at the December 15, 1997 Regular Council Meeting.

Mr. Pew concurred with Councilmember Giles' summation of the current proposal.

In response to a question from Councilmember Kavanaugh, Community Development Manager Wayne Balmer informed the Council that staff has had an opportunity to review additional materials submitted by the applicant and stated that the materials do not contain sufficient detail on a number of issues. Mr. Balmer expressed the opinion that staff should be involved in future discussions relative to this matter in order to present accurate recommendations to the Council. Mr. Balmer reiterated the fact that the Council may reverse their decision regarding approval of the ordinance and stressed the importance of staff participation.

Buddy Johnson, representing the applicant, United Development, discussed difficulties experienced in achieving an acceptable consensus on this issue. Mr. Johnson stated the opinion that the current proposal is appropriate, complimented the members of both homeowners' associations on their integrity and efforts, and added the opinion that the

proposal will satisfy the concerns of everyone involved. Mr. Johnson urged the Council to support the applicant's request.

Larkin Palmer, 3530 North Hawes Road, No. 3, commended everyone involved in the case on their efforts and indicated that the proposal appears to address a number of previously stated concerns. Mr. Palmer also commented that Hawes Road was not designed to accommodate heavy traffic. Mr. Palmer informed the Council that the portion of Hawes Road north of Thomas Road is frequented by teenagers who refer to this bumpy location in the road as the 'roller coaster.' Mr. Palmer reported that to date three deaths have occurred and encouraged the Council to approve the proposal subject to the development of Hawes Road to an acceptable level.

Warren Haeussler, 3430-73 North Mountain Ridge, speaking on behalf of the Las Sendas homeowners, informed the Council that following months of intense negotiations, a majority of the homeowners are prepared to accept the developer's current proposal. Mr. Haeussler spoke in support of maintaining the desert uplands areas. Mr. Haeussler stated that the agreement contains the following stipulations: 1) 342 units maximum on Las Sendas Mountain; 2) the developer agreed to provide a 7-acre park along North Hampton Ridge in addition to a park located at the corner of Parcel 31 along Ridge Crest; 3) the developer also agreed to zoning stipulations on Parcel 3 at one unit per acre, Parcel 4, no more than 2.5 dwelling units per acre; 4) Parcels 28, 29 and 32, no more than 2.5 dwelling units per acre; 5) lot sizes on Parcels E, F, and L will never be less than 9,000 square feet; Parcel K will never be less than 8,250 square feet, and H, Y, J & Y will never be less than one acre. Mr. Haeussler stated that the agreement will also be binding for heirs and successors.

Vice Mayor Gilbert complimented the parties involved on their efforts to arrive at a mutually acceptable compromise. Vice Mayor Gilbert commented on the quality of the amenities which exist at the Las Sendas development and stated the opinion that all contentious zoning cases should follow the example set by the developer and the homeowners' associations.

Councilmember Kavanaugh concurred with Vice Mayor Gilbert's comments and complimented the developer and the homeowners on their efforts and willingness to reach an acceptable compromise.

Councilmember Giles commented that a possibility exists that a final agreement may not be reached between the developer and the homeowners. Councilmember Giles stated the opinion that it may be more appropriate to delay voting at this time and to direct staff to prepare an ordinance for introduction containing the terms of the compromise which has been reached.

It was moved by Councilmember Giles, seconded by Vice Mayor Gilbert, that staff be directed to develop a revised ordinance containing the agreed upon revisions for introduction at the December 15, 1997 Regular Council Meeting.

Mayor Brown commended everyone involved on their efforts to successfully negotiate a solution to their concerns and develop an acceptable compromise.

Upon tabulation of votes, it showed:

AYES - Brown-Gilbert-Giles-Kavanaugh-Pomeroy-Walters  
NAYS - Payne  
ABSENT - None

Mayor Brown declared the motion carried by majority vote.

10. Consider the following subdivision plats:

- \*a. "ESTATES AT NORTHRIDGE - AMENDED" The 2400 block of North 26th Street (west side) 10 R1-15-PAD single residence lots (4.61 acres) Utaz Investments, L.C., developer; Infinity Engineering Services, Ltd., engineer.
- \*b. "IRONWOOD PASS UNIT 4 AT LAS SENDAS" - The 2800 & 2900 blocks of North Ridgecrest (east side) 92 R1-9-PAD-DMP single residence lots (37.21 acres) Sonoran Desert Holdings, L.L.C., developer; GeoDimensions, engineer.
- \*c. "AUGUSTA RANCH PARCEL 3" - The 2100 block of South Lansing (east side) 139 R1-6-DMP single residence lots (29.69 acres) Communities Southwest Company, developer; American Engineering Company, engineer.
- \*d. "AUGUSTA RANCH PARCEL 4" - The 2200 block of South Duval(east side) 103 R1-7 DMP single residence lots (25.57 acres) Communities Southwest Company, developer; American Engineering Company, engineer.
- \*e. "AUGUSTA RANCH PARCEL 5" - The 2500 block of South Lansing (east side) 77 R1-9-DMP single residence lots (24.94 acres) Communities Southwest Company, developer; American Engineering Company, engineer.
- \*f. "AUGUSTA RANCH PARCEL 6" - The 9500 block of East Neville Avenue (north side) 124 R1-6-DMP single residence lots (27.89 acres) Communities Southwest Company, developer; American Engineering Company, engineer.

11. Adjournment.

It was moved by Councilmember Gilbert, seconded by Councilmember Giles, that the Regular Council Meeting adjourn at 6:36 p.m.

Carried unanimously.

WAYNE BROWN, MAYOR

ATTEST:

BARBARA JONES, CITY CLERK

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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 1st day of December 1997. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 17th day of December 1997

BARBARA JONES, CITY CLERK