



# COUNCIL MINUTES

January 6, 2000

The City Council of the City of Mesa met in a Study Session in the lower level meeting room of the Council Chambers, 57 East 1st Street, on January 6, 2000 at 7:30 a.m.

## COUNCIL PRESENT

Mayor Wayne Brown  
Jim Davidson  
John Giles  
Bill Jaffa  
Pat Pomeroy

## COUNCIL ABSENT

Keno Hawker  
Dennis Kavanaugh

## STAFF PRESENT

C.K. Luster  
Wayne Balmer  
Neal Beets  
Denise Bleyle  
Jamie Brennen  
Dennis Compton  
Linda Crocker  
Stacey Damp  
Bob DeLeon  
Jo Ferguson  
Jack Friedline  
Bill Haney  
Joe Holmwood  
Mike Hutchinson  
Janice Jackson  
Barbara Jones  
Kari Kent  
Wayne Korinek  
Tom Mattingly  
Frank Mizner  
Patrick Murphy  
Keith Nath  
Joe Padilla  
David Plumb  
Bryan Raines

## STAFF PRESENT (CONT.)

Ross Renner  
Becky Richardson  
Jenny Sheppard  
Jan Strauss  
Kim West  
Bob White  
Paul Wilson  
Larry Woolf  
Jim Wright  
Christine Zielonka  
Others

## OTHERS PRESENT

Betty Beard  
Lynn Kusy  
Barrett Marson  
Carol Owens  
Beverly Selvage  
Fred Williams  
Other

Mayor Brown excused Councilmember Hawker and Councilmember Kavanaugh from the meeting. Mayor Brown excused Councilmember Jaffa at 9:34 a.m.

1. Further discussion and consideration concerning proposed additions to the Northwest Water Reclamation Plant.

Assistant City Manager Mike Hutchinson referred to graphics displayed in the Council Chambers and provided a brief overview of the agenda item. Mr. Hutchinson advised that staff is currently conducting a preliminary analysis relative to design options which would heighten the appearance of the Northwest Water Reclamation Plant. Mr. Hutchinson remarked that the creation of a riparian habitat would enhance the area and also provide educational opportunities for the

public with regard to water reclamation. Mr. Hutchinson noted, however, that access to the site remains a major concern. Mr. Hutchinson added that ADOT and the Salt River Indian Community are working closely with the City relative to potential design improvements.

Mayor Brown assured staff that the Council is aware of the importance of this proposed plant addition and expressed the opinion that because the site is located conveniently at the intersection of the Red Mountain Freeway and the Pima Freeway, Council decisions on this issue will have far-reaching effects on the City's future.

Councilmember Jaffa commented that with respect to the water reclamation project, it is critical that it be utilized by the public as a learning facility and also that appropriate north-south freeway access be incorporated into the design. Councilmember Jaffa proposed that a meeting with the Salt River Indian Community be scheduled in an effort to discuss the design plans in a more extensive manner.

In response to a question from Councilmember Pomeroy, Assistant Utility Manager Bill Haney provided the Council with brief background information on the Northwest Water Reclamation Plant. Mr. Haney advised that the facility is the cornerstone of the City's water resource program and much more than a wastewater plant; the fact that the site represents approximately 40% of the City's future reclaimed water resources; the fact that the facility is capable of processing the water and reusing it within Mesa or, alternatively, sending it to 91<sup>st</sup> Avenue; the fact that retaining the water within the community is in the City's best interest both economically and also from a water resource standpoint, and the fact that if the existing flow is sent to 91<sup>st</sup> Avenue, it would potentially cost the City an additional \$15 million a year in capital costs.

Councilmember Pomeroy stressed the importance of creating an attractive site with the addition of lush vegetation.

Councilmember Davidson concurred with the opinion of Councilmember Jaffa that the plant be utilized as a learning center for the community.

Vice Mayor Giles spoke in support of the opinions of the other Councilmembers and stressed the fact that it is not economically feasible to move the plant. Vice Mayor Giles also queried staff relative to the possibility of moving the digesters farther to the west in an attempt to decrease their visibility from the freeway. Vice Mayor Giles recommended that staff consult with an outside architect to provide design alternatives relative to this issue.

Discussion ensued relative to the unsightly nature of the percolation ponds, the necessity of incorporating landscaping into the design plan to more effectively camouflage those areas, and the possibility of placing the digesters below ground level.

City Manager Charles Luster emphasized the fact that there is an immediate need to proceed with the bid process for the construction of the physical plant.

Vice Mayor Giles expressed the opinion that although he appreciates the efforts of staff in this regard, he is not satisfied with the current design proposal.

Mayor Brown suggested that the Council defer any decision relative to this issue until Councilmembers Hawker and Kavanaugh are in attendance to contribute to the deliberations.

It was moved by Councilmember Pomeroy, seconded by Councilmember Davidson, that the bidding process for the proposed additions to the Northwest Water Reclamation Plant, be approved.

Upon tabulation of votes, it showed:

AYES - Davidson-Pomeroy  
NAYS - Brown-Giles-Jaffa  
ABSENT - Hawker-Kavanaugh

Mayor Brown declared the motion failed and instructed staff to provide design alternatives to the Council for their review and consideration.

Mayor Brown expressed appreciation to staff for their presentation.

2. Discuss and consider changes to the Parks & Recreation fee schedule as recommended by the Parks & Recreation Board.

Parks, Recreation and Cultural Division Director Joe Holmwood presented a brief overview to Council of the above-agenda item. Mr. Holmwood noted that on a yearly basis, staff reviews hundreds of fees that are charged for the various programs and services offered by the City. Mr. Holmwood stated that a recent review has resulted in a recommendation to the Council consisting of the results of that review and the recommended adjustments. Mr. Holmwood added that it is the philosophy of the City of Mesa that no child be deprived the opportunity to participate in City-sponsored programs due to one's inability to pay fees and that necessary assistance is derived through a fee-assistance program.

In response to a question from Vice Mayor Giles, Mr. Holmwood noted that relative to the Red Mountain Multigenerational Center, the fee adjustments are as a result of research accomplished through municipal and private sector comparisons, in addition to an in-depth survey of the program participants and also potential users of the various elements of the Center's program. Mr. Holmwood stated that the highest usage areas include the fitness center, the climbing wall and the gym.

Mr. Holmwood noted that relative to obtaining a beer permit, staff is recommending that for a group of 50 or more to obtain said permit in selected parks, a ramada reservation will be required.

Mayor Brown, Vice Mayor Giles and Councilmember Davidson expressed concerns regarding the proposed policy change. Mayor Brown remarked that with current public sentiments relative to DWIs, the City is exhibiting great insensitivity by permitting individuals to consume alcohol in Mesa's public parks. Mayor Brown also directed staff to present to Council a brief history of the evolution of this agenda item at an upcoming Study Session.

It was moved by Councilmember Pomeroy, seconded by Vice Mayor Giles, that the recommendation of staff be approved.

Upon tabulation of votes, it showed:

AYES - Brown-Davidson-Giles-Jaffa-Pomeroy  
NAYS - None  
ABSENT - Hawker-Kavanaugh

Mayor Brown declared the motion carried unanimously by those present.

3. Further discussion and consideration concerning approving Williams Gateway Airport Authority entering into a lease purchase agreement for certain improvements and equipment for use at Williams Gateway Airport.

Mayor Brown expressed concerns relative to the January 4, 2000 letter authored by Fred Williams with regard to the City funding for Williams Gateway Airport prior to the preparation of a study assessing the airport's current status.

Community Development Manager Wayne Balmer advised that staff will make a presentation to Council relative to this issue. Mr. Balmer stressed that the City currently has a window of opportunity to save the Airport Authority funds by merging purchases together and proceeding in an alternative manner to receive tax-exempt financing. Mr. Balmer clarified that the items on the Lease Purchase Project List must be approved by the Airport Authority and not by the Council.

Vice Mayor Giles concurred with the opinions expressed by Mayor Brown and suggested that Finance Director Larry Woolf present to the Council a brief summary relative to the nature of the purchases and an assessment with regard to the proposed financing at a future meeting.

Mayor Brown thanked staff for their presentation.

4. Hear a presentation on the Solid Waste Division's monthly collection events for batteries, latex paint, and tires.

Solid Waste Management Director Kari Kent provided Council with a brief synopsis of the above-agenda item. Ms. Kent stated that the Batteries, Latex Paint and Tires (BLT) Program was created by the City in response to customer demands to provide more frequent collection of the aforementioned materials that are generated by the citizens.

Ms. Kent noted that commencing in January 2000, the BLT Program will be held on the third Saturday of every month, except March, when the Solid Waste Division's annual Household Hazardous Waste event occurs.

Ms. Kent advised that promotion of the BLT Program would occur through various media outlets including Channel 11, various homeowner association newsletters and City newspapers. Ms. Kent said that customers would also be provided surveys when they depart these events which will measure their satisfaction as well as the quality of services that the City provides. Ms. Kent commented that the program costs for this fiscal year will total approximately \$16,300, with an anticipated 50% increase in FY 2000/01.

Mayor Brown expressed appreciation to Ms. Kent for her presentation.

5. Further discussion and consideration concerning development policies and procedures for the Desert Upland area.

Mr. Balmer presented the Council with a brief synopsis of the above-agenda item. Mr. Balmer advised that staff is currently in the process of implementing two ordinances adopted by the Council with regard to the Desert Uplands area. Mr. Balmer noted that Ordinance No. 3693 expanded the geographic coverage of the Desert Uplands and added requirements to preserve native plants, and Ordinance No. 3694 added a requirement for a grading permit within the Desert Uplands area.

Mr. Balmer stated that staff is seeking direction from Council on the following questions (See Attachment): 1.) How will these new Ordinances be applied to projects that were previously approved, but not yet under construction? 2.) How will these new Ordinances apply to projects that don't require a subdivision plat such as homes on acre lots with horse privileges or commercial developments? 3.) How do these new Ordinances apply to new development in County Islands within the Desert Uplands?

Mr. Balmer advised that with regard to Question 2, staff is recommending that homeowners would be allowed to keep horses on one acre or more parcels, and in the corral area there would be no native plant material. Mr. Balmer added that relative to the commercial developments, staff would work closely to ensure that new projects are designed and re-landscaped to reflect the desert character of the area.

Mr. Balmer noted that relative to Question 3, staff is recommending that all projects in the County Islands that have requested utility service since October 21, 1999, comply with the Native Plant Preservation Plan and grading requirements as a condition of their utility service approval.

Mr. Balmer said that with regard to Question 1, staff is recommending that: 1.) All projects which have not been approved for construction prior to October 21, 1999 would be required to submit a Native Plant Preservation Plan for approval prior to commencement of any construction; 2.) Projects that have been zoned, but which did not have a preliminary plat which had completed Subdivision Technical Review by October 21, the new Desert Uplands Subdivision Design Standards will apply; 3.) Projects that completed Subdivision Technical Review would be allowed until October 21, 2000 to submit their

final plat using the prior design standards. If they do not, the new standards would apply; 4.) Projects that have an approved final plat prior to October 21, 1999 will be allowed to complete the process using the previous design standards.

Discussion ensued relative to the fact the County Islands in the Desert Uplands will be developed under Maricopa County's jurisdiction; the fact that grading permits are not required by Maricopa County in said areas; the fact that City staff has been in contact with the Maricopa County Planning staff to apprise them of the City's new development requirements and also to notify them that the City will be requesting that they be incorporated into all future rezoning or subdivision requests that Maricopa County receives.

Councilmember Davidson expressed the opinion that it may be prudent that an advisory committee be formed which could assist the Desert Uplands homeowner associations and the County Islands as a more cohesive body to oversee future developments and to ensure proper implementation of the City's plans.

Discussion ensued relative to no density transfers; the annexation of County land.

Vice Mayor Giles advised that he would like to receive input from the homeowners who have horse privileges to determine if they are in agreement with staff's proposal.

Councilmember Pomeroy spoke in support of staff's recommendations and questioned Maricopa County's unwillingness to cooperate with the City relative to development in the County Islands. Mr. Balmer advised that the City is trying to improve their relationship with Maricopa County's Planning staff.

Mayor Brown thanked Mr. Balmer for his presentation.

6. Acknowledge receipt of minutes of various boards and committees.

- a. Downtown Development Committee meeting held December 16, 1999.

It was moved by Vice Mayor Giles, seconded by Councilmember Pomeroy, that receipt of the above listed minutes be acknowledged.

Upon tabulation of votes, it showed:

AYES - Brown-Davidson-Giles-Jaffa-Pomeroy  
NAYS - None  
ABSENT - Hawker-Kavanaugh

Mayor Brown declared the motion carried unanimously by those present.

7. Hear reports on meetings and/or conferences attended.

There were no reports on meetings and/or conferences attended at this time.

8. Scheduling of meetings and general information.

City Manager Charles Luster advised that the meeting schedule is as follows:

Thursday, January 20, 1999, TBA – Finance Committee

Tuesday, February 1, 2000, 8:00 a.m. – Judicial Advisory Board

9. Prescheduled public opinion appearances.

There were no prescheduled public opinion appearances.

10. Items from citizens present.

Beverly Selvage, a Mesa resident, addressed the Council relative to the Williams Gateway Airport Authority entering into a lease purchase agreement for certain improvements and equipment for use at Williams Gateway Airport (Agenda Item 3). Ms. Selvage expressed concern that the public has not been provided more information relative to this issue.

Mayor Brown instructed staff to review this agenda item with Ms. Selvage.

Mayor Brown thanked Ms. Selvage for her presentation.

11. Adjournment.

Without objection, the Study Session adjourned at 9:50 a.m.

\_\_\_\_\_  
WAYNE BROWN, MAYOR

ATTEST:

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

Attachment

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the Study Session of the City Council of Mesa, Arizona, held on the 6th day of January, 2000. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this \_\_\_\_ day of \_\_\_\_\_ 2000

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

**Community  
Development Administration**  

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**MEMORANDUM**

**TO:** Mayor and City Council  
**Through:** Charles K. Luster, City Manager  
**From:** Wayne Balmer, Community Development Manager  
**Date:** January 4, 2000  
**Subject:** New Development in the Desert Uplands

On September 21, 1999, the City Council adopted Ordinances 3693 and 3694 which changed the way new development was to proceed in the Desert Uplands area. Ordinance 3693 amended our Subdivision Regulations by expanding the geographic coverage of the Desert Uplands area, changing numerous design standards from recommendations to requirements and strengthening our requirements to inventory and preserve native plants (see attachment #1). Ordinance 3694 amended our Building Regulations by adding a new requirements for a grading permit within the Desert Uplands area.

Within our expanded Desert Uplands area there are currently 25 subdivisions in one stage of development or another, ranging from zoning approval, to preliminary and/or final plat approval, to improvement plans in process, to almost ready to be issued building permits (see attachment #2).

Our new Native Plant Preservation requirements were the main focus of a notification letter recently mailed to developers, builders, and property owners in the entire Desert Uplands area (see attachment #3) to respond to the issue of undisturbed areas and plant salvage and reuse that were discussed at the Council study sessions.

With the new ordinances we are now requiring a Native Plant Preservation Plan for all projects within the entire Desert Uplands area (City and County) prior to issuance of any construction permits. Along with the requirement for a Native Plant Preservation Plan and grading permit, when the Council expanded the Desert Uplands area, the new ordinance also modified the subdivision design standards for the area south of McKellips Road. Previously, that area had been subject to Mesa's "typical" subdivision design standards - which were developed for flat land in an urban environment. These standards had been routinely applied as both zoning conditions and subdivision design requirements for all projects approved prior to October 21, 1999, and used by developers to prepare their development plans. Attachment four (4) shows a summary of these design changes.

Beginning in October, the development community began raising questions with the staff regarding how these other aspects of our new Desert Uplands requirements would be implemented and how the new changes affect previously approved projects. To help answer these questions the staff would appreciate receiving Council direction on the following questions.

**1. How will these new ordinances be applied to projects that were previously approved, but not yet under construction? Specifically:**

- Projects that have been previously approved for zoning, but which have not yet submitted a preliminary plat.
- Projects that have submitted a preliminary plat and civil improvement plans, but not a final plat.
- Projects that have both an approved final plat and completed improvement plans.

Some of these may be difficult questions to resolve. Project developers have invested both time and money moving their projects through the approval process in reliance on the direction they were given. On the other hand, if some of these projects are constructed as currently designed, they likely will not provide the desert ambiance the public and the Council may be expecting.

When the Council discussed this issue in September, prior to adoption of these new standards, there were two points of view expressed. One was that the new requirements would only apply to new projects submitted after October 21, 1999, the effective date of the new ordinances. The other was that the new standards, particularly the native plant preservation requirements, should also apply to previously approved projects which had not completed their processing and received a building permit prior to October 21st.

To offer an alternative for Council consideration, the staff would recommend the following:

1. All projects in the Desert Uplands which have not been approved for construction prior to October 21, 1999, be required to submit a Native Plant Preservation Plan for approval, prior to the commencement of any construction.
2. For projects that have been zoned, but which did not have a preliminary plat which had completed Subdivision Technical Review by October 21st, the new Desert Uplands Subdivision Design Standards (e.g. lower streetlight poles, more flexible street design, preservation of desert washes, southwestern architectural style, etc.) will apply.
3. Projects that completed Subdivision Technical Review would be allowed until October 21, 2000, to submit their final plat using the prior design standards. If they do not, the new standards would apply.
4. Projects that have an approved final plat prior to October 21, 1999, will be allowed to complete the process using the previous design standards.

An underlying factor we will need to address is that Mesa's current subdivision design standards and regulations were developed for dealing with farm land - not desert land. As a result, our standards for storm drainage, street design, street lighting and pavement widths which may work well in other areas may not be seen as equally appropriate in desert areas. As new projects are reviewed in the Desert Uplands, we may need to permit more design flexibility to achieve the Council's goal of developing a more natural looking desert environment.

One step to help make this change would be to revise our "standard" zoning ordinance condition regarding subdivision design in the Desert Uplands to read as follows:

*Compliance with all requirements of the Desert Uplands and Native Plant Preservation Standards of Ordinances 3693 and 3694, as required by the Subdivision Technical Review Committee.*

**2. How will these new Ordinances apply to projects that don't require a subdivision plat such as:**

- Homes on acre lots with "horse privileges?"
- Commercial developments

Beyond new subdivisions, there are many individual lots in the Desert Uplands, and the folks who own them tend to fall into two categories - those who like desert and those who like horses. Unfortunately, keeping horses and keeping a desert environment usually aren't compatible. Since both Mesa and the County allow the keeping of livestock on lots of one acre or more, and many people have purchased lots in the Desert Uplands specifically to keep horses, the staff would recommend this practice be allowed to continue.

The keys to all new commercial, office and multi-family projects are parking and lot orientation. In order to provide the parking and locate the new building, it is most likely that the site will be graded and revegetated. In the Desert Uplands the staff will work closely with future commercial developers to help ensure that new projects are both designed and relandscaped to reflect the desert character of the area.

**3. How do these new Ordinances apply to new development in County Islands within the Desert Uplands?**

Given the number and size of the County Islands in the Desert Uplands, the development that occurs in these areas will have a substantial affect on the final appearance of the area. These areas will be developed under the County's jurisdiction, and new structures will be approved and inspected by the County. Grading permits are not required by the County in these areas. Given that all developments in these areas are supplied with both water and sewer service by the City of Mesa, however, the staff is currently requiring all projects in County Islands that have requested utility service since October 21, 1999, comply with our Native Plant Preservation Plan and grading requirements as a condition of their utility service approval.

Through this process we can ask developers to inventory and salvage native plant material for reuse, even though we are unable to affect the design or density of previously approved projects. To date we have received and approved Native Plant Preservation Plans from Saguaro Vista Estates, Cachet at Las Sendas, Signal Heights Unit II, and Gray Fox at Las Sendas. There has been some concern raised within the development community regarding our "extraterritorial jurisdiction" on this issue since their projects are not within our city limits, and their construction permits are approved by the County.

Our Planning staff has also been in contact with the Maricopa County Planning staff to make them aware of our new development requirements and to advise them we will be asking that they be incorporated into all future rezoning or subdivision requests the County receives.

The staff would recommend we continue with these two practices - and also work to improve our coordination with the County on all new projects proposed in the Desert Uplands.

While there will be more issues we will need to sort out over time, the Council's direction in helping to resolve these three issues will help make the implementation of our new Desert Uplands standards go much smoother for everyone involved.

Should you have any questions, please feel free to contact me at 2644, or Frank Mizner at 2181  
Thank you.

WB:cg  
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