

# COUNCIL MINUTES

September 30, 1999

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 September 30, 1999 at 7:30 a.m.

## COUNCIL PRESENT

Mayor Wayne Brown  
Jim Davidson  
John Giles  
Keno Hawker  
Bill Jaffa  
Pat Pomeroy

## COUNCIL ABSENT

Dennis Kavanaugh

## STAFF PRESENT

C.K. Luster  
Kevin Adam  
Wahid Alam  
Joan Baier  
Wayne Balmer  
Neal Beets  
Denise Bleye  
Dennis Compton  
Linda Crocker  
Bob DeLeon  
Jo Ferguson  
John Geier  
Joe Holmwood  
Mike Hutchinson  
Barbara Jones  
Dorinda Larsen  
Rich Lorig  
Frank Mizner  
Patrick Murphy  
Keith Nath  
Eric Norenberg  
Ruth Ann Norris  
Joe Padilla  
Ellen Pence

## STAFF PRESENT (CONT.)

Bryan Raines  
Andrea Rasizer  
Tom Remes  
Becky Richardson  
Sharon Seekins  
Jenny Sheppard  
Doug Tessendorf  
Lois Underdah  
Kim West  
Mike Whalen  
Mindy White  
Paul Wilson  
Jim Wright  
Others

## OTHERS PRESENT

Barrett Marson  
Other

Vice Mayor Giles excused Councilmember Kavanaugh from the meeting and advised that Mayor Brown will participate in the entire meeting by use of teleconferencing equipment.

Vice Mayor Giles announced that City Manager Charles Luster has recently been named the recipient of the 1999 Program of Excellence Award for intergovernmental cooperation presented by the International City/County Management Association and noted that this distinguished award honors both Mr. Luster and the

City of Mesa. Vice Mayor Giles added that the award was presented in recognition of Mr. Luster's leadership in transforming the closure of the former Williams Air Force Base into the Williams Gateway Airport.

Vice Mayor Giles noted that the Public Information Office was also presented two awards for the 1998 Annual Report and for citizen participation efforts relative to the Council transitioning to a district system.

(Items were discussed out of order but for purposes of clarity will remain as listed on the agenda.)

1. Review items on the agenda for the October 6, 1999 Regular Council Meeting.

6. Consider the following contracts:

- \*f. Landscape maintenance services at the City's parks & retention basins in the area designated as Zone 1 as requested by the Parks, Recreation and Cultural Division. This contract covers an area south of University and east of Val Vista Drive.

In response to a question from Councilmember Davidson, Purchasing Director Sharon Seekins provided clarification relative to the listed labor charges in the contract. Ms. Seekins said that the hourly rates are above and beyond the basic scope of services. Ms. Seekins added that the City is not obligated to use the contract vendor for the performance of extra work and said that the Department's contract monitors can obtain quotations from other vendors.

2. Discuss and consider a Request for Proposal for Site 21 (the former Bank One Building).

Community Development Manager Wayne Balmer provided a brief synopsis of the agenda item. Mr. Balmer stated that due to the fact that The Voit Companies were unable to sign the Amendment to the Redevelopment Agreement for Site 21, staff is recommending that the Council approve the issuance of Request for Proposals (RFP). Mr. Balmer suggested that the advertisement period be extended from October 1, 1999 to January 10, 2000. Mr. Balmer said that the RFP encompasses retail and restaurant uses on the ground floor, total refurbishment of the exterior and interior of the building and "high end" tenants in the building, but does not include a parking garage.

Councilmember Jaffa requested that staff provide the Council with a more in-depth analysis from potential developers relative to financial statements, including balance sheets and income statements, in an effort to determine the developer's financial integrity and ability to raise private capital. Councilmember Jaffa further recommended that City Attorney Neal Beets conduct research relative to the type of financial material that the Council is entitled to request from a prospective developer and to incorporate appropriate language into the RFP regarding this process.

Mayor Brown concurred with the opinions expressed by Councilmember Jaffa and urged staff to work with Councilmember Jaffa to resolve this issue.

Councilmember Pomeroy spoke in support of the RFP as currently written and stated that he supports efforts to attract high quality development to the area.

In response to a question from Councilmember Pomeroy, Mr. Balmer advised that the recommended 90-day advertisement period is an appropriate length of time and will provide potential developers who were not previously involved in the process with an adequate opportunity to submit their bids.

Mr. Balmer added that it would also benefit the City by potentially attracting a high caliber of development to enhance the downtown area.

Vice Mayor Giles spoke in support of the 90-day advertisement period. Vice Mayor Giles also suggested that the City broaden its search for developers and include those who possess redevelopment experience and further proposed that staff contact the International Downtown Association in an effort to locate entities that may be best qualified to engage in redevelopment projects.

Councilmember Hawker concurred with the opinions of Vice Mayor Giles.

In response to a question from Councilmember Hawker, Mr. Beets stated that The Voit Companies are entitled to resubmit a bid and are not precluded from doing so.

Vice Mayor Giles expressed appreciation to staff for their presentation.

3. Further discussion and consideration concerning a report on Desert Uplands area developments.

Community Development Manager Wayne Balmer introduced Planning Director Frank Mizner, Planner Wahid Alam and Senior Planner Jo Ferguson and presented a short synopsis of this agenda item. Mr. Balmer explained that as a result of the pending expansion of Mesa's Desert Uplands area and in conjunction with the Native Plant Preservation Ordinance, Council has directed staff to provide clarification on the following questions:

- 1) Should the City continue its policy of transferring density or allowing "credit" for such natural features as hills, washes and rock outcroppings in calculating project density?
- 2) Should the City establish a minimum lot size (e.g. 35,000 sq. ft.)?
- 3) Is the City Council in agreement with the position of staff regarding cases as documented in the County referral process? (See Attachment).

Question # 1 – Should the City continue its policy of transferring density or allowing "credit" for such natural features as hills, washes and rock outcroppings in calculating project density?

Mr. Balmer advised that with reference to Question # 1, it has been a long-standing City policy that if a developer has acquired 40 acres in an area designated for acre lots, he is permitted to build 40 homes even if the lots are less than a full acre in size. Mr. Balmer explained that this would be permissible if part of the area is undevelopable due to washes, hillsides or mountains, as in the case of Las Sendas Mountain. Mr. Balmer added that in calculating densities, developers are also given credit for private streets, retention areas, playgrounds and other amenities. Mr. Balmer stated that it is the recommendation of staff that the City continue its policy of calculating project density based on the gross acreage of the property.

Councilmember Jaffa expressed the opinion that although the Council has adopted Native Plant Ordinances, Desert Uplands guidelines and residential guidelines, the adoption of policies without necessary zoning applications speaks to empty promises in preserving this unique area of the City. Councilmember Jaffa urged that the Council further debate whether zoning applications which are approved in the Desert Uplands meet the spirit of the City. Councilmember Jaffa emphasized that he does not support significant blading of the desert and the approval of lot sizes that are less than 35,000 square feet.

It was moved by Councilmember Jaffa, seconded by Mayor Brown, that the City review its policy of transferring density or allowing credit for natural features on a case-by-case basis.

Mayor Brown and Councilmember Hawker concurred with the comments of Councilmember Jaffa. Mayor Brown added that it is imperative that the Planning and Zoning Board and the Council review proposals on a case-by-case basis for future matters and that the existing policy apply to previously initiated cases.

In response to concerns expressed by Councilmember Pomeroy regarding how the City policy changes would affect developers, Mr. Balmer clarified that following today's meeting, staff will prepare a letter that will inform new applicants of the Council's direction and that such measures should be taken into consideration relative to the development plan. Mr. Balmer added that if a developer is currently involved in the approval process by the Planning and Zoning Board or through the City Council, staff will abide by the previously established policy.

Councilmember Pomeroy advised that he will vote in favor of the motion if it applies to future transactions only.

Councilmember Davidson stated that although he has concerns regarding the interpretation of issues relative to the transfer of density on a case-by-case basis, he will support the motion.

Vice Mayor Giles concurred with the comments of the other Councilmembers and noted that the transfer of credits will not result in a preponderance of smaller lots in the Desert Uplands.

Councilmember Jaffa thanked the Mayor and Council for their input.

Upon tabulation of votes, it showed:

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

Vice Mayor Giles declared that the motion carried unanimously by those present voting.

Question # 2 – Should the City establish a minimum lot size (e.g. 35,000 sq.ft)?

Mr. Balmer informed the Council that the Guidelines do not establish densities or lot sizes and that those limits are set by both the General Plan and the underlying zoning. Mr. Balmer added that the Guidelines do not suggest that the predominant land use be Low Density Residential and delineate various design criteria for appropriate streetlights, wash treatment, street design and perimeter walls. Mr. Balmer added that the September 21 expansion does not overrule the General Plan or underlying zoning. Mr. Balmer noted that it is staff's recommendation that this policy be pursued only in the context of the formal update of the Mesa General Plan and limited to carefully designated areas.

It was the consensus of the Council not to limit the lot size.

Question #3 – Is the City Council in agreement with staff’s position on cases as documented in the County referral process?

Mr. Balmer informed the Council that staff was not requested to address each of the pending County referrals, but to apprise the Council of their current status. Mr. Balmer briefly outlined the six cases.

Councilmember Jaffa expressed concerns relative to development located in the County but within Mesa’s planning area. Councilmember Jaffa urged staff to accelerate the dissemination of information to the Council in County-related cases.

Councilmember Hawker spoke regarding the fact that land owners choose to live and develop their property in the County, yet request City utility services.

In response to questions from Councilmember Hawker, Mr. Balmer clarified that when projects are developed in the County but within Mesa’s planning area, the City is obligated to provide water service due to the fact the landowners are located in a water franchise area. Mr. Balmer stated, however, the City is not obligated to provide sewer service.

Vice Mayor Giles voiced the opinion that he is supportive of the implementation of City development standards on County projects and stressed that the goal of the City is to incorporate these areas into Mesa to avoid wildcat subdivision.

Mayor Brown commented that he is supportive of staff’s current policy to negotiate annexation with County developers prior to development of the property

In response to a question from Vice Mayor Giles, City Attorney Neal Beets clarified that pre-annexation agreements are not enforceable and that the City cannot legally commit a developer to sign an annexation petition.

In response to a question from Councilmember Davidson, Planning Director Frank Mizner advised that a wildcat subdivision is defined as a subdivision that is not legally within the City or the County.

Mr. Balmer emphasized that when the City reviews projects, close attention should be paid to the City’s development standards, including residential design guidelines, to assure that there are similarities in terms of quality, appearance and cost whether the subdivision is designed in the County or in the City.

Vice Mayor Giles thanked staff for their input.

4. Consider proceeding with a Mesa Community and Conference Center Feasibility Study.

Community Services Manager Wayne Korinek introduced Acting Community Center Director Eric Norenberg and provided a brief overview of this agenda item. Mr. Korinek stated that staff is seeking approval from the Council relative to the issuance of a Request for Proposals (RFP) to perform a market analysis and a financial capability study on the Mesa Community and Conference Center and the Amphitheater.

Mr. Korinek reported that the original buildings are now over 20 years old and the facility has become outdated and increasingly difficult to market. Mr. Korinek stated the opinion that it is necessary to conduct an evaluation study relative to expansion and renovation options for the facility

and added that rather than utilizing staff for this purpose, it would be in the City's best interest to hire an outside consulting firm that possesses the necessary experience and qualifications.

Councilmember Pomeroy spoke in support of this agenda item and expressed the opinion that it is imperative that the City utilizes a firm with appropriate credentials to accomplish this analysis.

It was moved by Councilmember Pomeroy, seconded by Councilmember Davidson, that staff's recommendation relative to proceeding with a Mesa Community and Conference Center Feasibility Study, be approved.

In response to a question from Councilmember Davidson, Assistant City Manager Mike Hutchinson noted that staff has not requested assistance from the Greater Phoenix Economic Council (GPEC) with regard to this issue, although that organization may also serve as a potential resource. Councilmember Davidson expressed the opinion that GPEC can and should be used as a resource.

Based upon further discussion, Councilmember Davidson removed his second to the motion.

Vice Mayor Giles concurred with Councilmember Davidson and also expressed the opinion that areas of historic preservation and redevelopment should also be explored.

Councilmember Pomeroy expressed the opinion that GPEC does not possess the necessary expertise to conduct this market analysis and added that the City should proceed with the RFP in an effort to hire a consultant.

Vice Mayor Giles expressed the opinion that the City of Mesa is competing in a national market and said that he will support Councilmember Pomeroy's motion.

It was moved by Councilmember Pomeroy, seconded by Mayor Brown, that staff's recommendation be approved.

Discussion ensued relative to the pros and cons of preservation versus reconstruction of the site.

Councilmember Davidson commented that he will not support the proposal and encouraged staff to utilize the services of GPEC. Councilmember Davidson also said that he does not support the demolition of the structures based on their historical significance.

Councilmember Jaffa concurred with Councilmember Davidson's comments.

Upon tabulation of votes, it showed:

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

Vice Mayor Giles declared the motion carried by majority vote of those present.

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

- a. Economic Development Advisory Board meeting held September 7, 1999.
- b. Fire Committee meeting held September 7, 1999.
- c. Judicial Advisory Board meeting held September 8, 1999.
- d. Transportation Advisory Board meeting held September 14, 1999.

It was moved by Councilmember Davidson, seconded by Councilmember Pomeroy, that receipt of the minutes of the above-listed boards and committees be acknowledged.

Vice Mayor Giles declared the motion carried unanimously by those present.

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

Councilmembers Pomeroy and Davidson discussed their recent attendance at a meeting of the Center for Family Violence and advised that the City of Mesa was presented an award in recognition of its continuing support.

7. Scheduling of meetings and general information.

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

Tuesday, October 5, 1999, 6:00 p.m. – Neighborhood Meeting to discuss WGA Issues

Wednesday, October 6, 1999, 3:30 p.m. – Council City Manager Search Committee Meeting

Thursday, October 7, 1999, 7:30 a.m. – Study Session

Monday, October 11, 1999, 7:30 a.m. – Finance Committee Meeting

Tuesday, October 19, 1999, 6:00 a.m. – Transportation Committee Meeting

Vice Mayor Giles announced he would not be a candidate in the upcoming election. Councilmember Davidson urged Vice Mayor Giles to reconsider and indicated that without his presence on the City Council, District 2 will be lacking in representation.

8. Prescheduled public opinion appearances.

There were no items from citizens present.

9. Items from citizens present.

David Johnson, 160 North Pasadena, a representative of the developer of Salerno Ranch, addressed the Council seeking clarification relative to the status of pending projects in the Desert Uplands area. Mr. Johnson stated that it would be unfair if the Council halted pending projects and urged their support and cooperation.

Vice Mayor Giles thanked Mr. Johnson for his input.

10. Adjournment.

Without objection, the Study Session adjourned at 9:56 a.m.

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WAYNE BROWN, 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 Study Session of the City Council of Mesa, Arizona, held on the 30th day of September, 1999. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this \_\_\_\_ day of \_\_\_\_\_ 1999

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BARBARA JONES, CITY CLERK

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## 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:** September 17, 1999  
**Subject:** Status Report on Desert Uplands Area Developments

There are a number of pending development proposals in the unincorporated Maricopa County portion of northeast Mesa. With the pending expansion of Mesa's Desert Uplands area in conjunction with the Native Plant Preservation Ordinance scheduled for Council action on September 21, it is an appropriate time to revisit several issues relating to this area of Mesa.

Councilmember Jaffa has asked three basic questions:

1. Should the City continue our policy of transferring density, or allowing "credit" for such natural features as hills, washes, and rock out-croppings in calculating project density?
2. Should the City establish a minimum lot size (e.g. 35,000 sq. ft.)?
3. Is the City Council in agreement with the staff position on cases as documented in the County referral process?

Regarding Issue #1, this has been a long-standing policy in Mesa as it is in other jurisdictions. Essentially, if a developer has 40 acres in an area designated for acre lots, he is allowed to build 40 homes, even if the results are lots of less than a full acre. This is permitted even if part of the area is undevelopable due to washes, hillsides, or even a mountain, as in the case of Las Sendas Mountain. The theory behind this policy is that the undisturbed natural features remain as a community asset, and that the property could be fully developed if the owner didn't "voluntarily" comply with our regulations. By this same theory, developers are given credit for private streets, retention areas, playgrounds, and other amenities in calculating density. This policy attracted a great deal of attention in Las Sendas Mountain because the hillside area was so large. Neighbors claimed that the mountain was unbuildable and therefore the overall project should have been reduced by some 300 homes. However, the mountain will remain in private ownership, with no development potential, and will serve as a community asset.

Staff recommends that we continue our policy of calculating project density based on the gross acreage of the property.

Regarding Issue #2, it is important to remember that the Guidelines themselves do not establish densities or lot sizes. Those limits are set by both the General Plan and the underlying zoning. The Guidelines do suggest that the predominate land use be Low Density Residential, and then go on to delineate various design criteria for appropriate street lights, wash treatment, street design, perimeter walls, etc.

The recent (September 21) expansion does not overrule the General Plan or underlying zoning. There are significant areas within the original Desert Uplands area (e.g. Las Sendas, Boulder Mountain at the northeast corner of Ellsworth and McKellips) and numerous areas within the expanded Uplands area where the existing development has lot sizes less than 35,000 sq. ft. For that matter there are significant areas in the expanded Uplands area where the underlying zoning (both in the City and in the County) is less than R1-35, including areas of R-15, R1-9, even R1-6 zoning. Finally, our own 1996 General Plan designates major areas north of University as Medium Density Residential (2-5 du/acre).

Staff recommends that this policy be pursued only in the context of the formal update of the Mesa General Plan, then only in certain carefully designated areas.

Regarding Issue #3, here is a summary of six pending County referrals. Reference should be made to the attached location map as well as the enclosed plat reductions.

1. **Madrid** - South side of McDowell, between Hawes and Ellsworth.  
Proposed: 144 lots on 112 acres @ 1.28 du/acre, R1-35 PAD.  
Status: Applicant has received County zoning approval and is ready to record final plat. City has consistently supported project and has agreed to provide utilities. No area opposition. Annexation considered by Council on September 21. Lots range in size from approximately 18,000 to 31,000 sq. ft. General Plan designation is Low Density Residential (0-1 du/acre).  
Issue: Should we annex property and agree to serve utilities as project is currently proposed?
2. **Stone Mountain Views** (aka: Stone Mountain Estates) - North of McDowell, west of Ellsworth.  
Proposed: 37 lots on 35 acres @ 1.00 du/acre, R1-35 PAD.  
Status: Applicant has received County zoning approval and is preparing final plat. City has supported project and has agreed to provide utilities. No area opposition. No annexation underway, but possible in near future. Lots range in size from approximately 35,000 to 41,000 sq. ft. General Plan designation is Low Density Residential (0-1 du/acre).  
Issue: Should we continue to support case and initiate annexation for the case and surrounding area?
3. **Boulder Views** - South side of McKellips, east of Ellsworth.  
Proposed: 20 lots on 30 acres @ 0.67 du/acre - R1-43 PAD.  
Status: Not yet scheduled for County action. Staff has submitted letter of support. Annexation just being initiated. Minimum lot size is 43,500 sq. ft. General Plan designation is Low Density Residential (0-1 du/acre).  
Issue: Should we continue to support case and initiate annexation for this case and surrounding area?

4. **Ellsworth Villas** - Northeast corner of Ellsworth and Brown.  
Proposed: 23 lots on 5.2 acres @ 4.4 du/acre - R-2 RUPD.  
Status: Not yet scheduled for County action. Staff has not yet responded to County referral. Current zoning is R1-43 and R-2; request is for R-2 RUPD. Minimum lot size is 5,000 sq. ft. Relatively high density may be justified by arterial corner location, awkward shape, commercial development at northwest and southeast corners, and partial existing R-2 zoning. General Plan designation is Medium Low Density Residential (1-2 du/acre).  
Issue: Should we support County rezoning request?
  
5. **Salerno Ranch** (aka Dave Brown Mesa East) - North of Adobe; between Signal Butte and Meridian.  
Proposed: 149 lots on 75 acres @ 1.99 du/acre - R1-10 RUPD and R1-18 RUPD.  
Status: Recommended for approval by County Planning and Zoning (5-3 on September 2). Now scheduled for County Board on October 5. Request is to rezone from R1-43 to R1-10 RUPD and R1-18 RUPD. Lot sizes range from 6,600 sq. ft. on north side of Adobe to 11,800 and up in northern portion. Staff has supported case and agreed to provide utilities. Proposal has encountered significant opposition and will have legal protest at Board of Supervisors. No annexation underway in area. General Plan designation is Medium Low Density Residential (1-2 du/acre). See attached letters.  
Issue: Should we continue to support rezoning proposal?
  
6. **Signal Butte Hills** - Northwest corner of Signal Butte and Adobe.  
Proposed: 80 lots on 40 acres @ 2.0 du/acre - R1-12 RUPD.  
Status: Not yet scheduled for County action. Staff has not yet responded to County referral; likely will recommend denial based on low density area land uses. Request is to rezone from R1-43 to R1-12 RUPD. Minimum lot size is 12,000 sq. ft. Applicant proposes to mass grade site with no indication of revegetation. General Plan designation is Medium Low Density Residential (1-2 du/acre).

These issues are scheduled for discussion at the September 23 City Council study session.

- attachments:
- Map of Desert Uplands Area
  - 1. Madrid
  - 2. Stone Mountain Views
  - 3. Boulder Views
  - 4. Ellsworth Villas
  - 5. Dave Brown Mesa East (Salerno Ranch)
  - 6. Signal Butte Hills