

COUNCIL MINUTES

June 25, 2001

The City Council of the City of Mesa met in a Regular Council Meeting in the upper level meeting room of the Council Chambers, 57 East 1st Street, on June 25, 2001, at 5:50 p.m.

COUNCIL PRESENT

Mayor Keno Hawker
Jim Davidson
Bill Jaffa
Dennis Kavanaugh
Pat Pomeroy
Claudia Walters
Mike Whalen

COUNCIL ABSENT

None

OFFICERS PRESENT

Mike Hutchinson
Barbara Jones

Councilmember Walters and Councilmember Pomeroy participated in the entire meeting through the use of telephonic equipment.

Invocation by Mayor Hawker.

Pledge of Allegiance was led by Kevin Renzaglia and Jared Wesley, Boy Scout Troop No. 10.

1. Approval of minutes of previous meetings as written.

It was moved by Vice Mayor Davidson, seconded by Councilmember Kavanaugh, that the minutes of the May 14, 17, 24, and 31, 2001 and June 4, 2001 City Council meetings be approved.

Carried unanimously.

2. Consider all consent agenda items.

At this time, all matters on the consent agenda were considered or were removed at the request of a member of the Council. All items identified in these minutes with an asterisk (*) were approved with one Council action.

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

Carried unanimously.

3. Conduct a public hearing concerning the Five-Year Capital Improvement Program for Fiscal Years ending 2002-2006 (See item no. 10a for program information).

Mayor Hawker announced that this is the time and place for a public hearing regarding the proposed Five-Year Capital Improvement Program for Fiscal Years ending 2002-2006.

There being no citizens present wishing to speak on this issue, the Mayor declared the public hearing closed.

4. Conduct a public hearing on the proposed Fiscal Year 2001-02 Budget (See Item No. 10b for budget information).

Mayor Hawker announced that this is the time and place for a public hearing regarding the proposed Fiscal Year 2001-02 Budget.

Finance Director Jamie Warner provided a brief overview of the proposed budget.

Mayor Hawker stressed the fact that one of the Council's top priorities is to ensure the safety and welfare of Mesa's residents. Mayor Hawker noted that in an effort to achieve such a commitment, the proposed budget reflects funding for additional public safety personnel.

There being no citizens present wishing to speak on this issue, the Mayor declared the public hearing closed.

5. Consider a public hearing concerning water, irrigation, wastewater utility rates, rate components, fees and/or service charge increases (See Item No. 9a for rate information).

Mayor Hawker announced that this is the time and place for a public hearing regarding water, irrigation, wastewater, utility rates, rate components, fees and/or service charge increases.

There being no citizens present wishing to speak on this issue, the Mayor declared the public hearing closed.

6. Consider the following liquor license applications:

*a. THOMAS FRANKLIN STABLER, AGENT

Person Transfer Liquor Store License for Franklin Farms, 2039 W. Guadalupe Rd. This is an existing business. This transfer is from Jackson E. Paulk, Agent, ABCO Food Group, Inc.

*b. RAMON DIAZ CORONADO, INDIVIDUAL

New Beer & Wine Store License for El Torito Super Carniceria, 909 E. Main St. This is an existing business and no previous liquor licenses at this location

*c. SUBHASH K. THATHI, AGENT

New Beer & Wine Store License for 7-Eleven #16179G, 839 S. Stapley Dr. This is an existing business. The Beer & Wine Store License previously held at this location by Joseph Sullivan, Individual, 7-Eleven #16179E, will revert back to the State.

*d. RANDY D. NATIONS, AGENT

New Restaurant License for Red, White & Brew Bistro, 6740 E. McDowell Rd. #102. This is an existing building and a new business. No previous liquor licenses at this location.

7. Consider the following contracts:

*a. Two-year renewal of the supply contract for 28-quart plastic recycling containers as requested by the Development Services Department.

The Purchasing Division recommends exercising the two-year renewal option with Sun West Container Company for annual purchases estimated at \$18,945.61 based on estimated annual requirements.

*b. DS3 microwave test equipment as requested by the Communications Division.

The Purchasing Division recommends accepting the low bid by Electrodata Inc. at \$44,204.16 including applicable use tax.

*c. Dust and erosion control services as requested by the Street Maintenance Division.

The Purchasing Division recommends authorizing purchase from the Maricopa County contract with EarthCare Consultants, LLC at \$140,999.04 including applicable sales tax.

*d. One new equipment trailer as requested by the Parks & Recreation Division.

The Purchasing Division recommends accepting the low bid by Argo Fab Inc. at \$10,864.05 including applicable sales tax.

*e. FleetAnywhere Unit License Purchases as requested by Information Services.

The Purchasing Division recommends accepting the only bid from Peregrine Systems, Inc. for software totaling \$12,683.20. **(Sole Source)**

*f. Two-year renewal of the supply contract for gasoline and diesel fuel for City vehicles as requested by Fleet Support Services. This contract is a cooperative bid with Mesa Unified School District No. 4.

The Purchasing Division recommends exercising the two-year renewal option with the original low bid by Phoenix Fuel Company. The City's portion of the total annual purchases is estimated at \$2,109,440.00 (including applicable tax).

- *g. InfoWorks Hydraulic Modeling Software as requested by the Information Services Division (ISD).

The Purchasing Division recommends accepting the only bid from Applied Geographic Technologies for a total of \$49,159.76. **(Sole Source)**

- *h. Mobile data system upgrade to serve both the Fire and Police operations as requested by the Communications Division.

The Purchasing Division recommends accepting the only bid by Motorola Inc. at \$160,728.48 including applicable use tax. **(Sole Source)**

- *i. Modular furniture for the Arts and Entertainment Center staff located at the South Center Street Campus.

The Purchasing Division recommends authorizing purchase from the State of Arizona contract with Goodmans at \$22,653.67 including design, installation and applicable sales tax.

- *j. Five replacement pump valves and actuators used on City wells as requested by the Utility Operations Division.

The Purchasing Division recommends accepting the low bid by DeZurik/Copes Vulcan at \$34,853.28 including applicable use tax.

- *k. Two-year contract for custodial services at various City buildings as requested by the Development Services Department.

The Evaluation Team and Purchasing Division recommends accepting the proposal by J&J Janitor Service, Inc. for annual expenditures estimated at \$660,199.78. J&J received the highest evaluated score of 334 out of 400 maximum points, plus they offer the lowest pricing.

- *l. Recommendation for Short Term Disability Benefit for City Employees

The Purchasing Division endorses the Employee Benefits Advisory Committee's recommendation for a one-year contract with Anthem Life Insurance Company for a Short Term Disability benefit with a 30-day elimination period. Premiums will be paid by employees who enroll in the program; the City will not incur any premium expense.

- *m. Two-year renewal of the supply contract for softballs and baseballs for Materials & Supply Division Warehouse inventory to be used by the Parks and Recreation Division.

The Purchasing Division recommends exercising the two-year renewal option as follows:

Items 1 and 2 to Anaconda Sports, Inc. at \$114,709.80; and

Item 3 to BSN Sports at \$11,351.82. The combined award is then \$126,061.62 based on estimated annual requirements. **(THIS ITEM IS TABLED UNTIL A FUTURE COUNCIL MEETING.)**

- *n. Ninety-five semi-automatic pistols as requested by the Police Department.

The Purchasing Division recommends accepting the only bid by Davidson's Supply at \$45,112.37 including applicable sales tax. **(Sole Source)**
- *o. Sixty conference chairs for the new Utilities building.

The Purchasing Division recommends accepting the only bid by Goodmans at \$14,628.22 including applicable sales tax. **(Sole Source)**
- *p. Three survey grade global positioning GPS systems. Two systems are for the City Utilities Department and one system is for the Engineering Division

The Purchasing Division endorses the evaluation team's recommendation to accept the proposal by Surveyors Service Company for a total of \$100,361.45 including applicable use tax. Surveyors Service Company achieved the highest evaluated score of 4648 out of 5000 points possible (93% of maximum).
- *q. Modular furniture for the Building Safety staff located at the Municipal Building.

The Purchasing Division recommends authorizing purchase from the State of Arizona contract with Goodmans at \$35,499.87 including design, installation and applicable sales tax.
- *r. Eight 48 Volt DC 300 AMP Modular Power Systems to provide power and charge backup batteries at various microwave sites as requested by the Communications Division.

The Purchasing Division recommends accepting the proposal by Power Conversion Products at \$159,056.46 including applicable sales tax. Power Conversion received the highest evaluated score of 95.7 out of 100 maximum points.
- *s. Thirty fiber optic modems as requested by the Transportation Division.

The Purchasing Division recommends accepting the low bid by Graybar Electric at \$44,520.00 including applicable sales tax.
- *t. One replacement uninterruptible power supply (UPS) for the traffic control system as requested by the Transportation Division.

The Purchasing Division recommends accepting the low bid by Power Analysis Teams, Inc. at \$12,080.13 including applicable sales tax and freight.
- *u. Two-year supply contract for fiber optic cable as requested by the Transportation Division.

The Purchasing Division recommends accepting the low bids as follows:

Item 1 to Maskell-Robbins, Inc. at \$10,450.00 plus 7.6% sales tax of \$794.20 for a total of \$11,244.20;

Items 2 & 3 to Graybar Electric at \$83,985.00 plus 8.1% sales tax of \$6,802.79 for a total of \$90,787.79; and

Item 4 to JCH Wire & Cable at \$27,379.00 plus 5.6% use tax of \$1,533.22 for a total of \$28,912.22. The combined award is then \$130,944.21.

- *v. Optical time domain reflectometer and fusion splicer as requested by the Transportation Division.

The Purchasing Division recommends accepting the low bid by Border States Electric at \$49,719.51 including applicable sales tax.

- w. School Lighting Renovations at Westwood High School. City of Mesa Project No. 01-40.

This project will improve ball field lighting by replacing the deteriorating poles with new poles, replacing the fixtures on the softball field with newer fixture types, and upgrading the electrical system to accommodate the light fixture changes.

Recommend award to low bidder, AJP Electric, Inc., in the amount of \$84,925.00 plus an additional \$8,492.50 (10% allowance for change orders) for a total award of \$93,417.50.

Mayor Hawker declared a potential conflict of interest and refrained from discussion/participation on this agenda item.

Mayor Hawker yielded the gavel to Vice Mayor Davidson for action on this agenda item.

It was moved by Councilmember Whalen, seconded by Councilmember Kavanaugh, that the recommendation of staff be approved.

Upon tabulation of votes, it showed:

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

Vice Mayor Davidson declared the motion carried unanimously by those voting.

With action on this agenda item being completed, Vice Mayor Davidson yielded the gavel to Mayor Hawker.

- x. East Mesa Regional Library Expansion. City of Mesa Project No. 99-30.

This project will more than double the existing library space, and improves the service offered to the library users by adding restrooms and expanding existing ones. It will also add general seating areas, private study rooms and various other rooms that will enhance service to the public.

Recommend award to low bidder, Telstar Construction Company, Inc., in the amount of \$3,844,198.00 plus an additional \$384,419.80 (10% allowance for change orders) for a total award of \$4,228,617.80.

Mayor Hawker declared a potential conflict of interest and refrained from discussion/participation on this item.

Mayor Hawker yielded the gavel to Vice Mayor Davidson for action on this agenda item.

Supervisory Librarian Brynn Burton provided the Council with a brief overview of the various aspects of the proposed library expansion including a new computer training room, community programming activity room, additional terminals for public access, the expansion of the children's area and the addition of 100,000 books.

Vice Mayor Davidson and Councilmember Kavanaugh voiced support for the project. Councilmember Kavanaugh added that it is vital that the public become cognizant of the various funding sources which were utilized for this project including impact fees, voter-approved bond authorizations and the Quality of Life sales tax.

It was moved by Councilmember Jaffa, seconded by Councilmember Kavanaugh, that the recommendation of staff be approved.

Upon tabulation of votes, it showed:

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

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

With action on this agenda item being completed, Vice Mayor Davidson yielded the gavel back to Mayor Hawker.

- *y. Williams Gateway Wastewater Treatment Plant Clean Closure.

This project will decommission this outdated wastewater treatment plant as mandated by the Arizona Department of Environmental Quality (ADEQ).

Recommend award to low bidder, Breinholt Construction Co., Inc., in the amount of \$1,091,552.00, plus an additional \$109,155.00 (10% allowance for change orders) for a total award of \$1,200,707.00.

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

- *a. **Z01-14** The northwest corner of East McDowell Road and Ramada. Site Plan Review and rezone from R1-9 to O-S (4.2 acres). This case involves development of an office project.
- *b. **Z01-25** East of the southeast corner of Baseline Road and Roslyn. Site Plan Modification for development of a childcare facility (1.39 acres).
- *c. **Z01-26** The southwest corner of US 60 and Stapley Road. Site Plan Modification (2.66 acres). Modification of an approved plan to allow an additional restaurant pad site.
- d. **Z01-27** 8000 – 9100 blocks of East McKellips. Modification of a previously approved Council Ordinance (760± acres). **There are two ordinances (Option A and B) associated with this case.**

William Puffer, 8330 East Thomas Road, a representative of the Spook Hill Neighborhood Action Association, addressed the Council relative to this agenda item and urged the Council to proceed with the introduction of the ordinance and approval of Option B. Mr. Puffer also requested that all interested parties be provided all revisions to the ordinance stipulations prior to the July 2, 2001 public hearing.

Carol Spangler, 2920 North 82nd Street, concurred with the comments of the previous speaker and emphasized that special consideration should be given to the Desert Uplands area to retain its unique character.

Carol Owens, P.O. Box 1017, Apache Junction, also spoke in support of Option B and said that she is opposed to the development of a resort hotel and golf course at this site.

Mayor Hawker commented that Jerry Seeman, 3714 North Hawes, submitted a Speaker/Comment card indicating support for Option B, but did not wish to address the Council.

Councilmember Kavanaugh stated that he is in favor of Option B.

Councilmember Jaffa addressed a number of concerns regarding the language contained in Option B and requested that various stipulations be modified.

In response to questions posed by Mayor Hawker, Planning Director Frank Mizner clarified that the stipulations contained in Option A represent the recommendations of the Planning and Zoning Board and that the recommendations of staff are contained in Option B. Mr. Mizner advised that it is the opinion of staff that both options be presented to the Council for consideration. Mr. Mizner added that the suggestions of Councilmember Jaffa would significantly impact the intent of the stipulations and it would be necessary to resubmit the ordinances at a future date.

Councilmember Jaffa suggested that the Council proceed with the formal introduction of the ordinance, hear further public comment and then decide the best manner in which to proceed. Councilmember Jaffa said that he will present his comments/suggested revisions to the City Manager for distribution and make it available on e-mail as well. (See Attachment provided after the meeting.)

It was moved by Councilmember Whalen, seconded by Vice Mayor Davidson, that Ordinance No. Z01-27 (with modifications) be introduced and that July 2, 2001 be set as the date of the public hearing.

Mr. Mizner spoke regarding the proposed changes to Option A and Option B.

Councilmember Whalen explained that although he concurs with many of Councilmember Jaffa's suggestions, he is in favor of proceeding with the introduction of the ordinance and conducting the public hearing to garner additional citizen input.

Councilmember Walters requested that prior to the July 2, 2001 public hearing, that the neighborhood residents who assisted with the drafting of the ordinances be permitted to provide feedback to the Council and staff relative to Councilmember Jaffa's proposed modifications.

Councilmember Pomeroy concurred with the comments of Councilmember Whalen.

Carried unanimously.

- e. **Z01-28** Generally ½ mile west of Recker Road and ½ mile north of Thomas Road. Rezone M-1-PAD-DMP (conceptual R1-9-PAD) to PF. This case identifies future park lands.

Mayor Hawker noted that the subject property was acquired by the prior Council and that as a result of an oversight, the area was not designated as park land. Mayor Hawker advised that the ordinance will remedy the situation and establish the appropriate zoning for a future park at this site.

It was moved by Councilmember Kavanaugh, seconded by Vice Mayor Davidson, that Ordinance No. Z01-28 be introduced and that July 2, 2001 be set at the date of the public hearing.

Councilmember Walters acknowledged a local resident who brought this matter to the attention of the Council and also thanked staff for their efforts in this regard.

Carried unanimously.

- *f. **Z01-30** 111 North Sunvalley Boulevard. Rezone from R-4 to O-S. This case involves conversion of a church building to Orthotics and Prosthetics Clinic (2.25 acres).

9. Introduction of the following ordinances and setting July 16, 2001 as the date of public hearing on these ordinances:

- a. Modifying rate schedules for the following utility services:

1. Water and irrigation utility service.
2. Wastewater utility service

It was moved by Councilmember Kavanaugh, seconded by Councilmember Whalen, to modify rate schedules for water and irrigation utility service and wastewater utility service and that July 16, 2001 be set as the date of the public hearing.

Councilmember Whalen briefly outlined the proposed utility adjustments.

Carried unanimously.

10. Consider the following resolutions:

- a. Approving a Five-Year Capital Improvement Program for Fiscal Years ending 2002-2006 – Resolution No. 7681.

It was moved by Vice Mayor Davidson, seconded by Councilmember Kavanaugh, that Resolution No. 7681 be adopted.

Carried unanimously.

- b. Approving a budget for Fiscal Year ending June 30, 2002 – Resolution No. 7682.

It was moved by Vice Mayor Davidson, seconded by Councilmember Kavanaugh, that Resolution No. 7682 be adopted.

Mayor Hawker expressed appreciation to the Council for their attendance and participation during the budget review process.

Carried unanimously.

- *c. Authorizing the City Manager to execute an Intergovernmental Agreement between the Arizona Department of Commerce and the City of Mesa to:

1. Receive \$42,753 in funds from the US Department of Energy and the Low Income Home Energy Assistance Program (LIHEAP) that will allow Mesa Community Action Network (MesaCAN) to provide weatherization services for a minimum of 17 low-income households in the Mesa service area – Resolution No. 7671.
2. Receive \$4,750 in funds from Southwest Gas that will allow Mesa Community Action Network (MesaCAN) to provide weatherization services for a minimum of 17 low-income households in the Mesa service area – Resolution No. 7672.

- *d. Authorizing the City Manager to execute an Intergovernmental Agreement between the Arizona Department of Economic Security (DES) and the City of Mesa to receive \$890,647 in funds to support a portion of the operating costs for Mesa Community Action

Network (MesaCAN), including the case management program, the work assistance program, the asset development program, the utility assistance program, and the East Valley Men's Center (EVMC) – Resolution No. 7673.

- *e Authorizing the City Manager to execute an Intergovernmental Agreement amendment between the Regional Public Transportation Authority (RPTA) and the City of Mesa for the operation of Dial-A-Ride services throughout the City of Mesa – Resolution No. 7674.
- *f. Authorizing the City Manager to execute an Intergovernmental Agreement amendment between the Regional Public Transportation Authority and the City of Mesa for transit services including the Valley Metro Fixed Route – Resolution No. 7675.
- *g. Authorizing the City Manager to execute an Intergovernmental Agreement between Maricopa County and the City of Mesa for operating costs associated with Special Transportation Services (STS) – Resolution No. 7676.
- *h. Authorizing the City Manager to execute an Agreement between Mesa Senior Services, Inc. and the City of Mesa for operating costs associated with the Enabling Transportation Program – Resolution No. 7677.
- *i. Authorizing the City Manager to execute Amendment No. 2 to the agreement between Forsythe & Associates, Inc. and the City of Mesa outlining the rate and contract modifications for Valley Metro Mesa public transit service for FY 2001-02 – Resolution No. 7678.
- j. Granting an Irrigation Easement to Salt River Project for irrigation facilities on Baseline Road, between Horne and Stapley Drive – Resolution No. 7683.

This easement is necessary for the installation of new irrigation lines on Baseline Road.

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

It was moved by Councilmember Kavanaugh, seconded by Councilmember Whalen, that Resolution No. 7683 be adopted.

Upon tabulation of votes, it showed:

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

Mayor Hawker declared the motion carried unanimously by those voting and Resolution No. 7683 adopted.

- *k. Authorizing the sale of right-of-way along South Mesa Drive to the Arizona Department of Transportation (ADOT) – Resolution No. 7679.

This sale is necessary for ADOT to widen the Mesa Drive bridge over the Superstition Freeway.

- *i. Approving and authorizing the City Manager or his designated representative to execute a Cooperative Intergovernmental Agreement between the City of Mesa and the State Forester of the Arizona State Land Department for the purpose of protecting property located within the City and for the provision of mutual aid assistance to the State Land Department and Federal land agencies – Resolution No. 7680.

- m. Authorizing the City Manager to execute an Intergovernmental Agreement among the cities of Mesa, Chandler, Glendale, Peoria, Goodyear and Scottsdale that will allow continuation of joint legal representation in the Gila River Indian Community water rights settlement negotiations – Resolution No. 7684.

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

It was moved by Councilmember Kavanaugh, seconded by Councilmember Whalen, that Resolution No. 7684 be adopted.

Upon tabulation of votes, it showed:

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

Mayor Hawker declared the motion carried unanimously by those voting and Resolution No. 7684 adopted.

11. Consider the following ordinances:

- *a. Amending Chapter 13 of the Mesa City Code regarding the imposition of the residential development tax – Ordinance No. 3902.

- *b. Prohibiting parking between 8:00 a.m. and 4:00 p.m. on school days on Huber Street from Lindsay Road to Roca, on the east side of Roca from Huber Street to a point 160 feet north of Glencove Street, and on the west side of Roca from Huber Street to a point 130 feet north of Gary Street; prohibiting parking on Eighth Street from a point 105 feet west of Mesa Drive to a point 255 feet west of Mesa Drive; and reducing the speed limit from 50 mph to 45 mph on Baseline Road from Power Road to the east City limits, as recommended by the Transportation Advisory Board – Ordinance No. 3903.

*12. Consider Addendum #1 to the Disposition and Development Agreement (DDA) for both Redstone Investments, LLC (Lehnhart's Ace Hardware) and Palm Court Investments, LLC (Mesa Discount) Project (Site 24).

12.1 Discuss and consider increasing the City Manager's base salary to \$162,052.00 effective July 1, 2001.

Mayor Hawker voiced appreciation for the efforts of City Manager Mike Hutchinson and stated the opinion that the Council's policy direction, which has been imparted to staff, has been implemented in an expedient and efficient manner.

It was moved by Mayor Hawker, seconded by Vice Mayor Davidson, that the City Manager's base salary be increased to \$162,052.00 effective July 1, 2001.

Councilmember Jaffa concurred with the comments of Mayor Hawker and added that Mr. Hutchinson has endeavored to bring greater balance to Mesa in the areas of residential, commercial and industrial development.

Councilmember Kavanaugh voiced support for the motion and noted that Mr. Hutchinson's proposed salary increase is competitive and comparable to the compensation of other City Managers on a local and national basis.

Vice Mayor Davidson thanked Mr. Hutchinson for his continued focus on the renovation and restoration of Mesa's neighborhoods.

Councilmember Whalen stated that it has been a pleasure working with Mr. Hutchinson during his first year as City Manager and also acknowledged Mr. Hutchinson's efforts to address the needs of City employees.

Councilmember Walters concurred with the comments of Vice Mayor Davidson. Councilmember Walters also thanked Mayor Hawker for his leadership during the recent budget review process.

Councilmember Pomeroy spoke in appreciation of the ongoing efforts of Mr. Hutchinson.

Carried unanimously.

13. Consider the following subdivision plat:

- *a. "AUGUSTA CASITAS" (Council District 6) The 1600-1800 blocks of South Crismon Road (west side) 88 R-2-PAD residential lots (10.86 ac) AFCL, L.L.C., developer; D&M Engineering, engineer .

14. Items from citizens present.

Bill Everson, 3737 East Hopi Avenue, a representative of the Fraternal Order of Police, thanked the Council for its efforts during the recent budget review process regarding the allocation of resources to the Mesa Police Department.

Jared Wesley, a Mesa resident, voiced concerns regarding the ongoing construction of the Red Mountain Freeway and the potential displacement of animals from their natural habitat.

15. Adjournment.

Without objection, the Regular Council Meeting adjourned at 7:10 p.m.

KENO HAWKER, MAYOR

ATTEST:

BARBARA JONES, CITY CLERK

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the Regular Council Meeting of the City Council of Mesa, Arizona, held on the 25th day of June 2001. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this ____ day of _____ 2001.

BARBARA JONES, CITY CLERK

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Attachment

"Attachment"

City Council Agenda
Stipulation 8d - State Trust Land/Mesa Highlands
June 25, 2001

I urged the Council 3 years ago to take action on protecting this last large parcel of pristine sonoran desert that we have in the City of Mesa, and to only allow development that protects the natural character of this area. The ordinance for this parcel as approved in 1987 does not conform with our General Plan as approved in 1996. These options do not rise to my level of expectation for this parcel and planned and managed growth that Mesa needs as the fastest growing city or "boomburb" in the country.

Although any application presented to us by a future buyer will be scrutinized by the City, and I personally believe the myriad of stipulations on this case are subject to manipulative interpretation by a future applicant to the residents' detriment, I support the residents' concerns to have a final compromise on acceptable development. Prior history of zoning cases does not unfortunately support the goodwill gesture that residents are offering as part of this application.

And although my six years of experience as a Councilmember and previously as a member of the planning and zoning board tell me that it is in the best interests of the City to simply conclude this exercise as it was originally initiated, and that is to blanket rezone the parcel for R1-35 zoning and as otherwise called for in our 1996 general plan, I support the residents' efforts to hopefully reach a final compromise on this case.

On the assumption that a majority of councilmembers want to pursue adoption of this case, I have comments on several of the stipulations, notwithstanding that the staff recommendation, which I support, specifically proscribes a golf course and resort hotel.

Further notwithstanding my concerns on certain stipulations, these ordinance options, according to my analysis of land use provide for 1050 homes on 410 acres, even if there is no golf course and resort hotel, and these options, I am concerned, will not allow the city to achieve the appearance of low density residential development of 0 to 1 home per acre in the R1-35 areas in accordance with our statutes on R1-35 development. Further, these options do not allow us to conform with the spirit of growing smarter, especially in this most significant case, which was initiated by the City, where growing smarter legislation calls for a public vote on zoning changes.

In the spirit of community consensus and reaching a final compromise, I request that the stipulations be modified as follows:

Stipulation 1 No reference should be made to conditioning this case on the 10-6-87 DMP as that DMP is not in accordance with our current general plan, and any reference to that DMP suggests otherwise, unless it is made clear by our city attorney that these new stipulations supersede the 1987 ordinance where these stipulations are in conflict with the 1987 stipulations.

Stipulation 2 The verbiage "in concept" should be deleted in reference to the number of approved residential units as it suggests that with a new concept DMP proposal at a later date, the number of approved units may be significantly changed. This language is in conflict with stipulation 28 that states the number of residential units shall be limited to 1050.

Stipulation 8 "Shall" should be substituted for "should" in the first sentence so that it is clear that the natural desert will be respected in the development. Gunnited drainage pathways shall be avoided in favor of natural undisturbed washes. Let's make it clear that "natural appearing drainageways" excludes the use of wide gunnite channels that give the appearance of an industrial use as in one development that I am intimately familiar with in the Desert Uplands.

Stipulation 19 What is the purpose of the ordinance if this stipulation provides that the City Council may change any of the stipulations as and if requested by the future applicant, especially stipulation 28 that otherwise limits the number of residential units to 1050. Also, I request that the definition of "significant changes" that do not require council approval be described by example.

Stipulation 25 After the end of the first sentence, the following shall be inserted. (A village is defined as a centrally located retail or open space surrounded by residential property.) At the end of stipulation 25, the following should be added. To ensure compatibility with existing development, all perimeter lots along Hawes Road north of McKellips Road shall be a minimum of 35000 square feet and the width of the perimeter shall be at least 850 feet. However, of the 760 acres in the entire parcel, a minimum of 80 acres shall be dedicated to residential lots of at least 35000 square feet and larger size lots shall be encouraged to avoid "cookie cutter" 35000 square foot lots.

Stipulation 30 and 31 have typographical errors.

My analysis shows residential development of 1050 homes on 425 acres as follows:

Business park	40 acres
Other commercial	25 acres
Undisturbed desert	210 acres
Other nonbuildable - estimate	50 acres
Elementary school - estimate	10 acres
Residential	<u>425 acres</u>
Total	760 acres