

**Santan Landscaping and Mitigation Community Working Group  
March 30, 2002**

Minutes

**Attendance**

**CWG Members**

Richard Andrews	Present
Maggie Cathey	Present
Nan Dawson	Present
Shane Donart	Absent
Marshall Green	Present
Mark Kwiat	Present
Cathy LaTona	Present
Cathy Lopez	Present, then represented by Saretta Parrault
Scott Morrison	Absent, represented by Richard Andrews
Jim Parrault	Present
George Pettit	Present
Kimberly Pugh	Present

**Other Attendees**

Michelle Colores, Salt River Project  
Randy Dietrich, Salt River Project  
Mary Orton, The Mary Orton Company  
Dave Wilson, Ten Eyck Landscape Architects

**Audience Attendees**

Julie Watson, Greenfield Lakes

**Welcome**

The twenty-first meeting of the CWG was convened on the morning of March 30, 2002 in the Gilbert Municipal Building. Mary Orton announced the proxy. Mary also distributed draft letters from Kimberly Pugh to the Arizona Corporation Commission, one of which would be from the CWG and one from her alone. Kimberly asked that those who would recommend changes to indicate them and return the pages to her.

**Approval of Today's Agenda**

The group approved the agenda with the addition of one item: "Announcements" was added after "Off-site mitigation plan." About mid-way through the meeting, Mark Kwiat announced that he had contacted a majority of intervenors (ten) and they had approved Jim Parrault as the replacement for Michael Apergis, who resigned from the group.

**Off-site mitigation plan**

**Budget number from SRP:** Randy distributed copies of the email he had sent to the group on Friday. The email read as follows:

"SRP agrees to the following plan for funding the overall landscaping in and around the Santan Plant:

- "Funding for the modified plan that the CWG suggested at the end of the March 4 CWG meeting with a couple of caveats I will detail below. Leah Manbeck has summarized the cost of this plan at approximately \$6.7 million.
- "Funding the off site landscaping at \$1.5 million.
- "The CWG still has to work out the offsite process, but if we wind up in a place where the HOAs are doing most of the planning then we want the following tenets built into the process:
  - "CWG agrees to a formula or process for allocating the offsite landscaping funds to the HOAs.
  - "Town of Gilbert acts as an intermediary for transmittal of funds to the HOAs.
  - "HOAs commit in writing that the funds will be used for the purpose of mitigating plant views.
  - "HOAs work with the CWG on the offsite plans (and this should be defined in detail by the CWG).

- “Keep in mind that we just recently hired the plant designer, Sargent and Lundy. They have raised an issue about the stability of the extra high berm in the specialty area across from Key Biscayne. Their civil engineers just visited the site on Tuesday of this week. They need to study this in more detail to see what is possible.
- “As I mentioned previously, SRP will remove the third oil tank but we intend to install two smaller tanks. This could require a somewhat lower berm in the southwest corner. Again, Sargent and Lundy needs to look at the possibilities here.
- “Where larger tree sizes are not available, we will buy whatever can be obtained. We are proceeding with a process to buy trees ahead of time (pine trees in the next few weeks, hopefully). We (Ten Eyck and SRP) will have more details on March 30.
- “Keep in mind that some plan details may need to be modified after review by the Town staff.”

The group discussed the contents of the message. In response to a question, George clarified that the Town's review would be primarily for code compliance and structural and engineering issues, not what species of plants would be at what location.

In response to questions, Randy indicated:

- that the \$1.5 million for the off-site plan was based on EPG's highest estimate
- that the \$1.5 million for the off-site plan does not include contingency (usually valued at 10%)
- that the \$1.5 million for the off-site plan does not include construction management (usually valued at 5%)
- that he will share with the CWG the options and ideas that Sargent and Lundy gives to SRP if the plan as developed by the CWG cannot be built
- that a Sargent and Lundy person can attend a CWG meeting, if the group so desires

Dave gave a brief presentation on ideas the group could consider as it planned the off-site process. He showed a map with a one-mile and a three-quarter-mile circle drawn with the plant at the center, and indicated that if the group wished to allocate the available dollars among the HOAs, they could use these lines as guides. He also distributed an “off-Site Lot Study” that indicates how many homes were in each circle by HOA, and how \$1.5 million would be distributed, if the group decided to allocate the money by number of homes. He stressed that the home counts were preliminary. He indicated that if the HOAs all decided to buy trees for each lot or for common areas, they could obtain a good deal from a local nursery if they ordered them at the same time.

Cathy Lopez explained that she felt the ACC's conditions and orders were clear as it related to condition seven. Specifically, she said, any attempt to move the offsite mitigation into the discretion and control of any HOA for the offsite is in clear violation of the ACC order and she could not participate in any process that would knowingly violate a court order. Additionally, she noted the HOAs had every opportunity to file appropriate motions with the Corporation Commission to appeal the terms of condition seven but failed to raise any issues or intervene in this matter. She raised concerns regarding prejudicial treatment, open meetings, published meetings, and a fair process outside the CWG. She again reminded the group that the CWG must act in accordance with the current order and cannot rely upon anything else other than the current order.

Marshall indicated that his HOA's attorney informed him that the ACC is prohibited by law from setting up a third party (such as the CWG) that has control over private property owners. Thus, the CWG can facilitate the process but cannot tell the HOAs what to do. He also noted that HOAs are required to have open meetings.

At approximately this time, Cathy Lopez left the meeting and Saretta Parrault took her place. Discussion continued on how to plan for the off-site mitigation.

**After discussion, the CWG agreed:**

- **To delegate the off-site landscape mitigation planning to the HOAs.**

- **To accept Randy Dietrich's offer to meet with each HOA Board to inform them of the background and what is needed from them.**
- **That guidelines and a cover letter to HOAs would be developed by SRP with emailed input by the CWG. Randy will send a draft of the guidelines to the CWG by April 5. Comments will be due back to him by 5:00 p.m. April 12. The final guidelines will be distributed by April 17. If there is a need, the CWG will meet to discuss the guidelines after April 17.**
- **The guidelines may be enforced by SRP, not the CWG.**
- **There will be a final review of each HOA's plan by the CWG with a recommendation to SRP. The recommendation will indicate whether the CWG feels the HOA's plan meets the guidelines.**
- **That broad notice to homeowners will be part of the guidelines.**
- **That if an HOA does not use its allocation, the money will be used for landscape maintenance.**

#### **Announcements**

East side fence: Nan reported that, after further review, Cottonwood Crossings CC&Rs indicate that SRP cannot replace the back walls of Wanda Drive residents with an eight-foot wall. Therefore, there will be no change to that wall.

Open house: Randy announced that SRP is putting together an Open House for area residents to review and comment on the on-site plan. A mailing is planned for residents within a 2.5-mile radius. It will probably be on a weeknight at a school in the area.

Gas line: El Paso Gas is close to finishing the new gas line for the plant. When they cut over to the new line, some gas will be vented. A letter will be going to resident in the vicinity to alert them, because the venting will be loud enough for residents to hear.

#### **Agenda for the Next Meeting**

The group agreed that the following items would be on the agenda for the next meeting:

- Off-site mitigation plan process
- On-site update from SRP
- Letter to the Arizona Corporation Commission

#### **Schedule the Next Meeting(s)**

The group agreed that the next meeting would be Thursday, April 4, 2002 from 6:15 p.m. to 10:00 p.m. at the Gilbert Municipal Building. They also agreed that the meeting after next would be held on Monday, April 22, 2002, at the Gilbert Municipal Building, 6:15 p.m. to 10:00 p.m.

#### **Minutes from the March 4, 2002 meeting**

The CWG approved the minutes from the March 4, 2002 meeting with one change.

Cathy Lopez requested, and the CWG agreed, to add the following to the minutes: Member Cathy Lopez has decided to abstain from approving the meeting minutes. This decision is based upon the exhausting situation which is created when concerns over the accuracy of said minutes are addressed and to avoid this situation, member Cathy Lopez declines to approve the meeting minutes.

No members of the public were present. The meeting adjourned.