



OFFICE OF CITY CLERK

COUNCIL MINUTES

February 4, 2008

The City Council of the City of Mesa met in a Regular Council Meeting in the Council Chambers, 57 East 1st Street, on February 4, 2008 at 5:45 p.m.

COUNCIL PRESENT

Mayor Keno Hawker
Kyle Jones
Tom Rawles
Scott Somers
Darrell Truitt
Claudia Walters
Mike Whalen

COUNCIL ABSENT

None

OFFICERS PRESENT

Christopher Brady
Debbie Spinner
Linda Crocker

Invocation by Father Charlie Goraieb, Queen of Peace Catholic Church.

Pledge of Allegiance was led by Boy Scout Tanner Whiting.

Mayor's Welcome.

Mayor Hawker welcomed everyone to the meeting. A videotaped presentation was aired that outlined meeting procedures and provided attendees with instructions relative to addressing the Council.

1. Take action on all consent agenda items.

All items listed with an asterisk (*) will be considered as a group by the City Council and will be enacted with one motion. There will be no separate discussion of these items unless a Councilmember or citizen requests, in which event the item will be removed from the consent agenda and considered as a separate item. If a citizen wants an item removed from the consent agenda, a blue card must be completed and given to the City Clerk prior to the Council's vote on the consent agenda.

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

Vice Mayor Walters offered an amendment to the motion to include agenda item 2 on the consent agenda, which was accepted by the seconder.

City Attorney Debbie Spinner advised that item 7a should be deleted from the agenda as a result of Council action at the Study Session immediately preceding this meeting, which referred the item back to the Planning and Zoning Board.

Vice Mayor Walters offered an additional amendment to the motion to delete item 7a from the agenda, which was accepted by the seconder.

Mayor Hawker called for the vote on the amended motion.

Carried unanimously.

*2. Approval of minutes of previous meetings as written.

Minutes from the September 2 and December 6, 2007 and January 10, 22, and 24, 2008 Council meetings.

3. Conduct a public hearing prior to the release of the petition for signatures for the following proposed annexation:

3a. **A07-22 (District 5)** Annexing land located south and west of McDowell Road and Sossaman Road (0.52± ac.). Initiated by one of the property owners, Christy Sutphen.

Mayor Hawker announced that this is the time and place for a public hearing regarding the annexation of land located south and west of McDowell Road and Sossaman Road (0.52± ac.).

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

4. Take action on the following liquor license applications:

*4a. Ragnar Relay Del Sol

This is a one-day charitable event to be held on Saturday, March 1, 2008 from 10:00 a.m. to 7:00 p.m. at Riverview Park, 2100 W. 8th Street (**District 1**).

4b. Club Seis Frias

New Bar License for Club Seis Frias, 111 S. Dobson Road, Suite #108, Kathleen Concepcion Frias – Individual. This is an existing building with no previous liquor license at this location (**District 3**).

Financial Services Operations Director Jenny Sheppard advised that staff is recommending that the subject application be forwarded to the State Liquor Board with a recommendation for denial. She reported that although the applicant has submitted plans, a building permit has not yet been issued. Ms. Sheppard explained that a Council recommendation for denial would be accompanied by a transcript of this meeting. She added that the applicant anticipates receiving the building permit before the next State Liquor Board hearing, at which time the Board could approve the license application.

It was moved by Vice Mayor Walters, seconded by Councilmember Somers, that the Club Seis Frias liquor license application and a transcript of this meeting be forwarded to the State Liquor Board with a recommendation for denial, based on the fact that the applicant has not obtained the required building permit.

Carried unanimously.

*4c. Superstition Springs Golf Club

Person to Person Transfer Bar License for Superstition Springs Golf Club, 6542 E. Baseline Road, EAGL Arizona Beverage LLC – Applicant; Andrea Dahlman Lewkowitz – Agent. The previous Bar License held at this location by American Golf Corporation, issued 12/31/1992, will transfer to the applicant (**District 6**).

*4d. Allegiant Air

New Conveyance License for Allegiant Air, 5835 S. Sossaman Road, Allegiant Air LLC – Applicant; Randy Joe Shaklee – Agent. This is an existing building with no previous liquor license at this location (**District 6**).

*4e. Valero

New Beer & Wine Store License for Valero, 1821 S. Country Club Drive, ST Food Mart, Inc – Applicant; Thao Thi Mai Uyen Dinh – Agent. The previous Beer & Wine Store License held at this location by TL Qik Stop Market, Inc., issued 11/30/2005, will revert back to the State (**District 4**).

5. Take action on the following contracts:

*5a. Three (3) replacement vehicles for the Police and Neighborhood Services Departments.

The Procurement Services Department recommends authorizing purchase from the State of Arizona contract with Courtesy Chevrolet at \$36,456.38, and Midway Chevrolet at \$29,166.97, for a combined award of \$65,623.35, including applicable sales tax.

*5b. Renewal supply contract for T-shirts for the Parks, Recreation & Commercial Facilities Department.

The Procurement Services Department recommends authorizing a two-year renewal contract to Snider Sports & Apparel, LLC at \$37,730.00 annually, based on estimated requirements, including applicable sales tax.

5c. Three-year supply contract for Polymer Modified Asphaltic Emulsion for the Transportation Department, Field Operations (HURF Funded).

The Procurement Services Department recommends awarding the contract to the low responsive, responsible bid from Paramount Petroleum Corporation at \$334,322.10 annually, based on estimated requirements.

Mayor Hawker declared a potential conflict of interest and said he would refrain from discussion/consideration of this agenda item. He yielded the gavel to Vice Mayor Walters for action on this item.

It was moved by Councilmember Jones, seconded by Councilmember Somers, that the recommendation of staff be approved.

Upon tabulation of votes, it showed:

AYES – Jones-Rawles-Somers-Truitt-Walters-Whalen
NAYS – None
ABSTAIN – Hawker

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

Vice Mayor Walters yielded the gavel back to Mayor Hawker.

*5d. Purchase of twenty-five (25) “Ruggedized” notebook computers and mounting equipment for the Engineering Department (Approved Contingency Funding). **Deleted.**

*5e. Three-year supply contract for street sign materials for the Transportation Department, Field Operations.

The Procurement Services Department recommends awarding contracts items to the lowest responsive, responsible bidders as follows: Group 1 to Safeway Sign Co. at \$98,475.17; Group 2 to 3M Company at \$28,290.24; and Group 3 to Traffic Safety Brackets at \$59,611.20 annually, based on estimated requirements, for a combined annual award of \$186,376.61, including applicable taxes.

*5f. Three-year supply contract for Ultraviolet Disinfection System parts and supplies for the Utilities Department, Water Division (**Sole Source**).

The Procurement Services Department recommends awarding the contract to the sole source bidder, Wedeco, Inc. dba ITT/Wedeco at \$60,162.09 annually, including applicable use tax, based on estimated requirements.

*5g. One-year supply contract for recycled copier paper for Citywide use.

The Procurement Services Department recommends awarding the contract to xpedx for \$157,035.00 and Spicers Paper, Inc. for \$27,075.00 for a total of \$184,110.00, including applicable sales tax, based on estimated requirements.

*5h. Purchase of three (3) heavy-duty frontloading refuse trucks (two replacement and one addition to the Fleet) for the Solid Waste Department (funded through Fleet Services’ Vehicle Replacement Program and Solid Waste FY07/08 Budget).

The Procurement Services Department recommends awarding the contract to the lowest responsive bidder, Rush Truck Center at \$811,921.85, including sales tax.

*5i. Purchase of ten (10) replacement heavy-duty, automated side-loading refuse trucks for the Solid Waste Department (funded through Fleet Services’ Vehicle Replacement Program and Solid Waste Replacement and Extension Reserve Fund).

The Procurement Services Department recommends awarding the contract to the lowest responsive bidder, Rush Truck Center at \$2,456,905.08, including sales tax.

- 5j. Exterior paint and stucco repair for the Mesa Convention Center as requested by the Facilities Maintenance and Parks, Recreation & Commercial Facilities Departments.

The Procurement Services Department recommends approving purchase off the State of Arizona contract with Larkin Painting Contractors at \$248,142.57, including applicable taxes.

It was moved by Councilmember Somers, seconded by Vice Mayor Walters, that staff's recommendation be approved.

Upon tabulation of votes, it showed:

AYES – Hawker-Jones-Somers-Truitt-Walters-Whalen
NAYS – Rawles

Mayor Hawker declared the motion carried by a majority vote.

- *5k. Renewal supply contract for water treatment chemicals for warehouse inventory.

The Procurement Services Department recommends authorizing purchase from Brenntag Pacific at \$47,728.45 and DPC Enterprises at \$79,851.13, including applicable sales tax for a combined award of \$127,579.58 annually.

- *5l. Addendum to Employment Agreement for the City Manager.

6. Introduction of the following ordinances and setting February 19, 2008, as the date of the public hearing on these ordinances:

- *6a. Amending Title 10 Chapter 3 of the Mesa City Code to delegate authority establishing and implementing parking prohibitions to the City Traffic Engineer, and establishing guidelines to be used in authorizing parking prohibitions.

- *6b. **Z08-03 (District 5)** The 5500 block of East Thomas Road (south side). Located east of Higley Road and South of Thomas Road (4.95± ac.). District 5. Rezone from R1-90 to PEP-BIZ, and Site Plan Review. This request will allow the development of general office buildings. Alex Goldstein, Rosebud Holdings, LLC; owner, Carl Bommarito, Vision 5 Development, LLC, applicant; Phillip C. Williams, R.B. Williams and Associates, Inc., engineer. (***Held a neighborhood meeting, notified property owners, homeowners associations and registered neighborhoods.***)

P&Z Recommendation: Approval with Conditions (Vote: 6-0 with Boardmember Adams absent).

- *6c. Repealing the existing Personnel Rules applicable to City of Mesa employees and adopting new Personnel Rules.

7. Introduction of the following ordinance and setting March 3, 2008, as the date of the public hearing on this ordinance or referral back to the Planning and Zoning Board:

*7a. **Deleted.** (Z07-74 was referred back to the Planning & Zoning Board by Council action at the February 4, 2008 Study Session under agenda item 2).

*7b. **Deleted. (See Agenda Item 7.1a.)**

7.1. Introduction of the following ordinance and setting March 3, 2008, as the date of the public hearing on this ordinance:

*7.1a. **Z07-122 (District 5)** 7336 East Main Street, Suite 14. Located west of Sossaman Road on the north side of Main Street (23,106 square feet). Council Use Permit to allow for a nightclub in a C-2 zoning district. Michael A. Pollack, Pollack Investments, owner; Reese Anderson, Pew and Lake, PLC, applicant. ***(Held a neighborhood meeting, notified property owners, homeowners associations and registered neighborhoods.) (LEGAL PROTEST – ¾ VOTE REQUIRED)***

P&Z Recommendation: Approval with Conditions. (Vote: 6-0 with Boardmember Adams absent).

8. Take action on the following resolutions:

8a. Setting March 3, 2008, as the public hearing date for the proposed rate adjustment for the Mesa Town Center Improvement District No. 228. The proposed rate adjustment will increase the annual assessments three percent per year for the next four years (FY 08/09, 09/10, 10/11 and 11/12) – Resolution No. 9185.

Mayor Hawker and Councilmember Whalen declared potential conflicts of interest and said they would refrain from discussion/consideration of this agenda item. Mayor Hawker yielded the gavel to Vice Mayor Walters for action on this item.

It was moved by Councilmember Somers, seconded by Councilmember Rawles, that Resolution No. 9185 be adopted.

Upon tabulation of votes, it showed:

AYES – Jones-Rawles-Somers-Truitt-Walters
NAYS – None
ABSTAIN – Hawker-Whalen

Vice Mayor Walters declared the motion carried unanimously by those voting and Resolution No. 9185 adopted.

Vice Mayor Walters yielded the gavel back to Mayor Hawker.

*8b. Extinguishing portions of a one-foot Vehicular Non-Access Easement at 5225 East Enid Avenue – Resolution No. 9172 **(District 6)**.

The portions of this easement are being extinguished to allow new driveway accesses associated with a new development.

*8c. Extinguishing a portion of a Public Utility Easement at 2356 South Paseo Loma Circle – Resolution No. 9173 **(District 3)**.

A portion of this easement is being extinguished to allow the construction of a new swimming pool.

- *8d. Vacating an alley located between East 1st Street and East Pepper Place, east of North Lazona Drive – Resolution No. 9174 (**District 2**).

This alley is being vacated at the request of the adjacent property owners to better secure the area. A Public Utility and Facilities Easement will be retained for access by the utility companies.

- *8e. Vacating an alley located south of West 10th Avenue, extending east from MacDonald Street to Center Street, south to 11th Drive – Resolution No. 9175 (**District 4**).

This alley is being vacated at the request of the adjacent property owners to better secure the area. A Public Utility and Facilities Easement will be retained for access by the utility companies.

- *8f. Adopting fees for zoning applications for the Planned Community District and Development Unit Plans – Resolution No. 9176.

- *8g. Designating Bryan Raines, Deputy City Manager as Applicant Agent for City to execute and file an application for disaster relief funds if necessary – Resolution No. 9177.

- *8h. Approving and authorizing the City Manager to execute a Grant Agreement with the Arizona Department of Homeland Security to secure grant funds in the amount of \$5,591 for education and training for the Community Emergency Response Teams (CERT) – Resolution No. 9178.

- *8i. Approving and authorizing the City Manager to execute a Grant Agreement with the Arizona Department of Homeland Security to secure grant funds in the amount of \$258,145.25 to support the Metropolitan Medical Response System (MMRS) Program – Resolution No. 9179.

- *8j. Approving and authorizing the City Manager to execute a Grant Agreement with the Arizona Department of Homeland Security to secure grant funds in the amount of \$35,000 for training and development of the Continuity of Operations Plan – Resolution No. 9180.

- *8k. Approving and authorizing the City Manager to execute a Grant Agreement with the Arizona Department of Homeland Security to secure grant funds in the amount of \$5,000 to support the Fire Department's Terrorism Liaison Officer Program – Resolution No. 9181.

- *8l. Approving and authorizing the City Manager to execute a Grant Agreement with the Arizona Department of Homeland Security to secure grant funds in the amount of \$250,000 to support the Fire Department's Rapid Response Team – Resolution No. 9182.

- *8m. Approving and authorizing the City Manager to execute Addendum #2 to an Intergovernmental Agreement with Gilbert Unified School District for the joint use of Highland Junior High School ballfields – Resolution No. 9183.
- *8n. Approving and authorizing the City Manager to execute an Intergovernmental Agreement with the Arizona Department of Water Resources to provide continued funding of \$150,000 for the East Valley Water Forum – Resolution No. 9184.

9. Discuss, receive public comment, and take action on the ordinances introduced at a prior Council meeting. Any citizen who wants to provide comment should submit a blue card to the Clerk before the item is voted on. If a citizen wants to comment on an item listed with an asterisk (*), a blue card must be given to the Clerk before Council votes on the consent agenda.

- 9a. **Z08-02 (District 5)** The 5400 and 5500 blocks of E. Thomas Road (north side) (13± ac.). Modification of Ordinance 4050. This request is to amend and delete certain conditions within the ordinance to facilitate development of the Red Mountain Commerce Center. Tres Hijos LLC, Inez Boyle and Cindy Brady, Managers, owner; James Passey, applicant – Ordinance No. 4810. **(Notified property owners.)**

PHO Recommendation: Approval with Conditions.

Councilmember Whalen declared a potential conflict of interest and said he would refrain from discussion/consideration of this agenda item.

It was moved by Vice Mayor Walters, seconded by Councilmember Jones, that Ordinance No. 4810 be adopted.

Upon tabulation of votes, it showed:

AYES – Hawker-Jones-Rawles-Somers-Truitt-Walters
NAYS – None
ABSTAIN – Whalen

Mayor Hawker declared the motion carried unanimously by those voting and Ordinance No. 4810 adopted.

10. Take action on the following subdivision plat:

- 10a. “DESERET MEDICAL CENTER, A CONDOMINIUM”, **(District 6)** 1425 South Greenfield Road (east side) located south and east of Greenfield Road and Southern Avenue. 4 O-S condominium units (3.09 ac.). Deseret Medical Center Greenfield, LLC, Robert J. Allen, member, owner; Gerald Hughes, EPS Group, Inc., engineer.

Councilmember Truitt declared a potential conflict of interest and said he would refrain from discussion/consideration of this agenda item.

It was moved by Councilmember Somers, seconded by Councilmember Jones, that the subdivision plat be approved.

Upon tabulation of votes, it showed:

AYES – Hawker-Jones-Rawles-Somers-Walters-Whalen
NAYS – None
ABSTAIN – Truitt

Mayor Hawker declared the motion carried unanimously by those voting.

11. Discuss and provide direction regarding the South Canal Multi-Use Path Project.

Mayor Hawker requested that staff provide an update on the current status of the project.

Deputy Transportation Director Mike James said that during the past several months, staff has refined the project and provided additional information to the Lehi neighborhood. He noted that the proposed two-mile multi-use path project in the Lehi neighborhood is designed to connect Mesa to the regional pathway system. Mr. James reported that the proposed plan minimizes the pinch points and maximizes the equestrian space on the trail. He said that the average width for equestrian use would be fifteen feet and that the plan attempted to accommodate all users by constructing a ten-foot asphalt surface that narrows to seven feet in some locations. He noted that the multi-use path would be a shared facility that requires users to yield to others at certain points.

Mr. James stated that the staff report included three alternatives: 1) staff's recommendation, 2) the original plan that included lights, and 3) the option not to construct the path. He said that staff's recommendation includes a ten-foot wide asphalt path and eliminates the pedestrian lights. Mr. James advised that a Council decision not to construct the path would require the City to repay the design costs to the Maricopa Association of Governments (MAG), which amounts to approximately \$250,000.

Mayor Hawker announced that the Council would hear public comment at this time.

The following individuals came forward to speak in opposition to the project:

Alan Otto, 2418 North Harris Drive
Bob Warrick, 2663 North Chestnut Circle
Michelle McCroskey, 3021 North Chestnut Circle
Jack Hough, 1236 East Anasazi
Kent Jones, 1120 Kael
Larry Pew, 1564 East Lehi
Theresa Carmichael, 2451 North Terrace Circle
Christopher Lambly, 2451 North Terrace Circle
Kevin Rogers, 916 East Sorenson Street
Patricia Postle, 1021 East Knoll Street

Comments made in opposition to the project include the following:

- The City of Mesa does not have the financial resources for maintenance of the project.
- The pathway is not wide enough to accommodate multiple uses.
- It is difficult for horses to maintain stability on concrete and asphalt surfaces.

- Motorized vehicle traffic on the canal pathway should be controlled.
- The privacy of residents would be compromised.
- Additional users of the path would create traffic problems in the neighborhood.
- Erosion of the canal banks could cause problems.
- A 20-foot drop from the canal path poses a safety issue for equestrian users.
- The City would incur liability relative to the safety issues.
- Equestrian users would be unable to hear other users approaching on the asphalt path.
- A decomposed granite surface would be safer for equestrian use.
- The design does not comply with national guidelines for recreational trails.
- Path users would create problems by parking in residential areas.
- Segments of the pathway in North Phoenix remain unpaved.

Listed below are citizens who completed speaker/comment cards in opposition to the project, but indicated that they did not wish to speak:

Lori A. Otto, 2418 North Harris Drive
Luke Rodham, 2154 North Stapley Drive
Ronald S. Garcia, 1045 East Knoll Street
Glen Steiner, 2430 North Terrace Circle
Leslie Steiner, 2430 North Terrace Circle
Kelly Peterson, 2138 North Stapley Drive
Elaine LaCombe, 2457 North Terrace Circle
Phil LaCombe, 2457 North Terrace Circle
Robert Callahan, 2429 North Terrace Circle
Web Baker, 1554 East :Lehi Road

The following individuals addressed the Council in support of the project:

Steve Davidson, 1533 East Hermosa Vista Drive
Hank Woodrum, 2750 East Kenwood Street
Scott Peters, 1633 East Grove Avenue, representing Valley Forward
Jeff Rush, 2625 North 24th Street
Don Grant, 2336 East Inglewood Street

Comments made in support of the project include the following:

- There is adequate space on the path for all users.
- Staff has addressed the concerns of residents regarding the lights.
- The pathway would be an amenity that benefits the entire City.
- A lighted path would provide a safe location for joggers and walkers.
- The south canal segment is a key link in the regional trail system.
- The present condition of the canal path surface is not suitable for runners.

Listed below are citizens who completed speaker/comment cards in support of the project, but indicated that they did not wish to speak:

Patricia Woodrum, 2750 East Kenwood Street
Bill Grant, 1726 North Kachina

Mr. James came forward to address some of the issues raised by the speakers. He advised that operating a motorized vehicle on the canal path is illegal and that signs are posted on the canal with that information. Mr. James stated the opinion that most users would walk, bike or ride a horse to the canal rather than drive a vehicle, but he added that parking options in non-residential areas are being considered.

Mayor Hawker commended the speakers for their demeanor and, as there were no additional citizens wishing to speak regarding this issue, he declared the public comment period closed.

Vice Mayor Walters stated that the Lehi neighborhood and the canal project are located in her Council District, and she provided a brief history of the activities related to the project. She reported that the City Council first considered the South Canal Path in the 1990s and that when the Council approved a grant funding request for the design phase in 2002, they were unaware that the City would be required to return the design funds if the project failed to move forward. Vice Mayor Walters noted that numerous neighborhood meetings were held at that time, but the City was not awarded the grant funding until 2006, which was accepted by the Council on the October 3, 2006, consent agenda without any comment from the public. She said that citizens may not have been aware of the meeting, which was held on a Tuesday rather than a Monday because of the observance of Yom Kippur. She added that when staff advised the residents that the grant was approved, they anticipated that the neighborhood would be pleased that the project could move forward. Vice Mayor Walters explained that in the intervening years, the ownership of properties had changed and many residents were unaware of the proposed project.

Vice Mayor Walters stated that until the most recent Council discussion of this project, she held the opinion that the project could move forward without lights. She said that following a Council vote to move forward, she became aware of the safety issue and the Council agreed to reconsider the issue at her request. She advised that the Council decided not to move forward with the project and referred the issue to the Transportation and Infrastructure Committee. Vice Mayor Walters further stated that when Mayor Hawker became aware of the fact that the City would be required to repay the design funds, he requested that the Council reconsider the project at this meeting. She said that although she originally supported the paved canal path, her opinion changed based on information provided by the residents. Vice Mayor Walters advised that the canal path would continue to be accessible to the public and continue to be a part of the regional system .

Councilmember Rawles said that after making some comments, he would make a motion to deny approval of the project. He advised that he opposed the project the last time the issue was considered by the Council and as a former runner, he agreed that asphalt was a more difficult surface for runners. He also noted that although the safety issues were areas of concern, that was not his primary reason for opposing the project. Councilmember Rawles stated the opinion that funding canal paths with Federal dollars as a means to mitigate traffic congestion and improve air quality was a fraud on American taxpayers and for that reason he would not support the project.

It was moved by Councilmember Rawles, seconded by Vice Mayor Walters, to deny approval of the South Canal Multi-Use Path Project.

Mayor Hawker said that he would not support the motion for denial. He stated the opinion that staff adequately addressed the concerns of residents, and he expressed support for the linked

trail system. He added that the project was referred to the Transportation and Infrastructure Committee to obtain additional information, after which he anticipated that the Council would reconsider the issue. He said that although he agrees with many of Councilmember Rawles' comments, he believes that as the Mayor of Mesa, he has a responsibility to ensure that Mesa receives a fair share of Federal funds allocated to Valley cities. Mayor Hawker stated the opinion that 380 feet of asphalt should not be a concern to equestrian users because the path already includes approximately 1,000 feet of concrete in the underpasses. He added that his residence borders a canal that includes a paved path, and he has not experienced any problems.

In response to a series of questions from Councilmember Jones regarding the guidelines for utilizing these funds, Transportation Director Dan Cleavenger advised that a ten-foot paved surface is the standard width for a multi-use path that can accommodate wheelchairs, in-line skaters, and bicycles. He noted that a decomposed granite surface would be desirable for horses, but the surface could not accommodate wheelchairs or skaters. Mr. Cleavenger reported that the Federal agency, which oversees these projects, has granted Mesa permission to reduce the path to seven or eight feet in certain areas and to remove the lighting in order to move the project forward. He said that he was not familiar with the unpaved canal paths in the City of Phoenix. Mr. Cleavenger added that decomposed granite requires more maintenance than asphalt and that the Salt River Project (SRP) is responsible for maintaining all areas outside of the City's facility and, as the path exists today, SRP is responsible for maintenance.

Councilmember Somers concurred with Mayor Hawker that the path in Mesa should be linked to the regional system.

Responding to questions from Councilmember Somers, Mr. Cleavenger noted that the canal path averages 33 feet in width for all users. He explained that each project submitted by municipalities to MAG is ranked and awarded funding based on the design proposal. He added that other communities could object when design changes are made after a project has been ranked and funded.

Mr. James advised that landscaping could be included in these types of projects, and he stated the opinion that trees could be planted in those areas along the path where gaps exist.

Discussion ensued relative to the fact that in order to utilize the other side of the canal, two bridges in each segment would be required in order to provide access to the underpass; that regional funding for bridges was not likely to be available; that 363 feet represents the areas of the canal where there is less than four feet of pathway available for equestrian use; and that 80 percent of the pathway would provide eight feet or more for equestrian use.

Vice Mayor Walters said that a citizen informed her that the path has a connectivity issue as a result of poor natural surface grading into the Gilbert Road underpass.

Mr. Cleavenger advised that staff would determine which entity, SRP or the City of Mesa, is responsible for grading that area.

Assistant City Engineer Kelly Jensen advised that a connection at the Gilbert Road underpass is included as a part of the proposed project. He said that the plans include an asphalt pathway alongside the tunnel that connects to Gilbert Road.

In response to a series of questions from Councilmember Whalen, Mr. James advised that Aztec Engineering received the design contract for the project and that the City has paid approximately \$255,000 for the design services. He stated that MAG policy requires the reimbursement of design funds when a project fails to move forward.

Councilmember Whalen suggested that MAG might waive the requirement for reimbursement of the design funds because a safety issue is the primary reason for not moving forward with the project.

City Manager Christopher Brady noted that MAG is an organization comprised of representatives from other Valley cities, and he said that staff's opinion regarding the requirement to return design funds is based on experience. He reported that MAG has been holding the construction funds for the trail for more than a year. Mr. Brady suggested that Mayor Hawker could provide information on the possibility of an appeal to MAG because he heads the MAG committee that addresses these issues.

Mayor Hawker recalled that the last instance in which a city expressed a desire to withdraw from a project occurred when a West Valley city did not want to advance the interest costs for the I-10 widening project as originally planned, and he opposed that request.

Councilmember Whalen stated the opinion that MAG should consider the safety implications, such as McKellips Road, the steepness of the trail and the lack of lights.

Councilmember Rawles suggested that the City offer to release the \$1.2 million in construction funding being held by MAG as an incentive to eliminate a requirement that the City return the design funds.

Mayor Hawker expressed concern that a failure to move forward on the project would result in the City losing credibility with MAG regarding the City's desire to have connected pathways. He added that as a member of the committee that ranks the projects submitted to MAG for funding, he would be reluctant to provide a high score on a city's future projects if that city failed to return the design funds for a project that was not completed.

Vice Mayor Walters noted that an earlier speaker stated that the project did not comply with the national standards for trails, and she suggested that MAG might consider that to be an extenuating issue relative to returning the design funds.

Mayor Hawker expressed concern that a failure to move forward with this project would jeopardize the future of canal path improvements throughout the City.

In response to a question from Councilmember Jones regarding the possibility of widening the canal banks at the pinch points, Mr. James advised that the pinch points result from existing irrigation structures in the canal path.

Councilmember Somers said he would not support the motion, but he stated the opinion that the MAG should reconsider a project design that incorporates bridges across the canal. He added that canal paths in other Valley cities do not have the problem of a steep drop-off.

Councilmember Truitt noted that an earlier speaker suggested that another surface, such as rubber pavers, be utilized at the pinch points.

Mr. Jensen said that staff was advised by an experienced equestrian user that introducing a third surface on the pathway would be very dangerous for the horses, but he said that staff could investigate the possibility if that was the direction of the Council. He also noted that adding landscaping and trees to certain areas of the canal would be difficult because there is no water source to maintain the landscaping until the root system took hold.

Councilmember Truitt expressed support for moving the pathway to the other side of the canal, but he stated the opinion that the City should pay for the additional design costs, after which the City could approach MAG to request additional funds to incorporate the construction cost of the bridges. He further stated the opinion that the real issues to be determined are if the City will have a trail system and, if so, what type of trail system that would be.

Mayor Hawker restated the motion, which was to deny approval of the South Canal Multi-Use Path Project, and he called for the vote.

Upon tabulation of votes, it showed:

AYES – Jones-Rawles-Truitt-Walters-Whalen
NAYS – Hawker-Somers

Mayor Hawker declared the motion carried by a majority vote.

12. Items from citizens present.

There were no items from citizens present.

13. Adjournment.

Without objection, the meeting adjourned at 7:44 p.m.

KENO HAWKER, MAYOR

ATTEST:

LINDA CROCKER, 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 4th day of February 2008. I further certify that the meeting was duly called and held and that a quorum was present.

LINDA CROCKER, CITY CLERK

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