

COUNCIL MINUTES

August 6, 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 August 6, 2001, at 5:45 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 Kavanaugh participated in the entire meeting through the use of teleconferencing equipment.)

Invocation by Mayor Hawker.

Pledge of Allegiance was led by Andrew Buckpitt, Troop # 537.

Mayor's Welcome.

1. Approval of minutes of previous meetings as written.

It was moved by Vice Mayor Davidson, seconded by Councilmember Jaffa, that the minutes of the July 2, 12 and 16, 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 Pomeroy, that the consent agenda items be approved.

Carried unanimously.

3. Consider the following liquor license applications:

*a. HAROLD E. GAUBERT, AGENT

Person transfer Liquor Store License for SW Desert Markets #83, 822 S. Alma School Road. This is an existing business and building. This transfer is from Jackson Paulk, Agent, Abco Food Group, Inc.

*b. KENNETH J. ZARNOWIEC, AGENT

New Beer and Wine Store License for Phillips 66, 818 W. University Drive. This is a new business. Clements Motors is currently at this location. No previous liquor licenses at this location.

4. Consider the following contracts:

*a. Additional Software Licenses for Microsoft Products as requested by Information Services.

The Purchasing Division recommends authorizing purchase from the State of Arizona contracts with ASAP Software for a cost of \$53,486.24, including applicable use tax.

*b. 900 MHz point to multi-point radio system as requested by the Transportation Division.

The Purchasing Division recommends accepting the low bid by Border States Electric Supply at \$70,080.29.

*c. One replacement aerial platform truck to be used for fire suppression and emergency responses as requested by the Fire Department.

The Purchasing Division recommends authorizing an additional purchase option from RFB #2000193 with Pierce Mfg., Inc. at \$737,617.11 including recommended options and applicable sales tax. (Sole Source)

*d. Two-year supply contract for Auction services as requested by Fleet Support Services.

The Purchasing Division endorses the evaluation team's recommendation to accept the proposal by Sierra Auction Management, Inc. Sierra Auction proposes a 4.4% commission on projected annual revenues of \$375,000.00. Sierra Auction Management, Inc. received the highest evaluated score of 1000 points, the maximum possible.

*e. Two-year renewal of the supply contract for network cables and cabling supplies as requested by the Information Services Division (ISD).

The Purchasing Division recommends exercising the two-year renewal option with the following lowest bidders meeting specification:

Anixter as primary supplier for Groups 16 and 19, Communication Supply Corporation as primary supplier for Groups 2, 5-15, 17, and 20-21, and Graybar Electric as primary

supplier for Groups 1, 3-4, 18, and 22-23. The combined total award for network cables and cabling supplies is \$375,000.00, based on estimated annual requirements. Staff projects that 1% (\$3,750.00) of the total annual expenditures will be with Anixter, 53% (\$198,750.00) with Communication Supply Corporation, and 47% (\$172,500.00) with Graybar Electric.

- *f. Additional expenditure authority for existing supply contract for communications tower maintenance as requested by the Communications Division.

The Purchasing Division recommends authorizing additional expenditures of \$40,000.00 to the existing supply contracts with American Tower Services, Inc. and Nationwide Communications Specialists. Annual expenditures for this contract were originally estimated at \$35,000.00, but additional projects have arisen that require more funding. The original award was a dual award to help ensure timely availability in response to an emergency repair request. Also, each of the two firms have the capability to be the lowest priced, depending on tower height and the nature of the work to be performed.

- *g. Forensic/Genetic DNA Analyzer system as requested by the Police Department.

The Purchasing Division recommends accepting the low bid by Arizona Counter-Drug Procurement Program at \$62,256.14 including applicable sales tax.

- *h. Two-year supply contract for gas meter and service valves for Materials & Supply Division Warehouse inventory to be used by the Utilities Department.

The Purchasing Division recommends accepting the low bid meeting specification by Dresser, Inc., at \$19,173.60 including applicable use tax.

- *i. Scanner-based automated fingerprint workstation as requested by the Police Department.

The Purchasing Division recommends authorizing purchase from the State of Arizona contract with Sagem Morpho, Inc. for a total cost of \$72,330.72, including applicable use tax, shipping, handling, and installation.

- *j. Centennial Conference Center Kitchen Renovation and Structural Repair. City of Mesa Project No. 01-09.

This project will repair the leaking floor drains, replace the worn floor with fiberglass floor, and repair the damaged column in the Centennial Conference Center kitchen.

Recommend award to low bidder, The Lejas Corporation, in the amount of \$116,230.00 plus an additional \$11,623.00 (10% allowance for change orders) for a total award of \$127,853.00.

- k. Athletic Field Lighting at Stapley and Taylor Jr. High Schools. City of Mesa Project No. 01-94.

This project will add lighting to the baseball fields at both schools, allowing for increased use by the schools and the community.

Recommend award to low bidder, AJP Electric, Inc., in the amount of \$195,354.00 plus an additional \$19,535.40 (10% allowance for change orders) for a total award of \$214,889.40.

Kirby Allan, 2043 East Hackmore Street, addressed the Council and voiced concerns regarding current City management policy. Mr. Allan also requested that staff provide a variety of documentation relative to contracts over the last ten years.

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

Carried unanimously.

- *l. Desert Sage Well #12 Improvements. City of Mesa Project No. 99-66.

This project will install new piping, a new well cap, new pump, a new chlorine facility and upgraded mechanical and electrical equipment to replace present outdated equipment and bring the sites up to current codes.

Recommend award to low bidder, Weber Group, L.C., in the amount of \$255,289.00 plus an additional \$25,528.90 (10% allowance for change orders) for a total award of \$280,817.90.

- *m. Residential Street Lighting (CDBG #8169) Mesa Drive to Horne, 2nd Street to University Drive. City of Mesa Project No. 00-40.

This project will replace existing street lighting in these areas to meet current community needs for illumination and safety. This project is part of the annual Community Development Block Grant program.

Recommend award to low bidder, Utility Power Plus, in the amount of \$191,860.45 plus an additional \$19,186.05 (10% allowance for change orders) for a total award of \$211,046.50.

5. Introduction of the following ordinances and setting August 27, 2001 as the date of public hearing on these ordinances:

- *a. Amending various sections of the Mesa City Code relating to the downtown sign ordinance as recommended by the Downtown Development Committee and the General Development Committee.
- *b. Amending various sections of the Mesa City Code relating to offices in historic districts (TCR-2 and TCR-3 zoning districts) as recommended by the Downtown Development Committee and the General Development Committee.

- *c. Modifying the electric rate schedules to provide for Energy Conservation Credit Programs.
- *d. **Z01-48** The southeast corner of Longmore and Southern Avenue. Council Use Permit for a school in C-2. This project involves locating a charter school in an existing building in a retail center.
- *e. Relating to the Privilege License Tax; adopting changes dealing with conformance to State Statute for alternative fuel vehicle exemptions, multijurisdictional auditing and centralized hearing administration; establishing an effective date; providing for severability and providing penalties for violations.

6. Consider the following resolutions:

- *a. Authorizing the City Manager to execute an Intergovernmental Agreement between the City of Mesa and the Mesa Unified School District #4, to support operational costs of the Mesa Youth Placement Service (MYPS) – Resolution No. 7692.
- *b. Extinguishing a temporary drainage easement on Lot 3 of Superstition Triangle Business Park Unit 2 – Resolution No. 7693.

A permanent drainage solution has been approved, making this easement no longer necessary.
- *c. Considering the sale of a remnant parcel of land at 1946 East Diamond Avenue – Resolution No. 7694.
- *d. Vacating an alley right-of-way at the northwest corner of University Drive and Extension – Resolution No. 7695.

The adjacent properties are being developed, making this alley no longer necessary.
- *e. Extinguishing a Vehicular Non-Access Easement on Tract K, Moondance Townhomes – Resolution No. 7696.

Driveways have been approved for this area, making this easement no longer necessary.
- *f. Extinguishing Public Utility Easements on Tracts O, P and Q of Sun Valley Ranch – Resolution No. 7697.

These easements are not being used and are in conflict with the construction of a new apartment complex.
- *g. Extinguishing a Temporary Drainage Easement on Tract A of the Millett Property, Phase II subdivision – Resolution No. 7698.

A permanent drainage solution has been approved, making this easement no longer necessary.

- *h. Vacating a portion of North Harris Drive, north of Lehi Road – Resolution No. 7699.

Harris Drive will not extend north of Lehi Road, making this right-of-way no longer necessary.

- *i. Extinguishing Drainage Easement on Lot 1 of Red Mountain Plaza – Resolution No. 7700.

A re-designed drainage easement has been approved, making this easement no longer necessary.

- j. Extinguishing a Public Utilities and Facilities Easement at 1718 N. Mesa Drive – Resolution No. 7705.

All utilities have been removed and the easement is no longer needed.

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

It was moved by Councilmember Walters, seconded by Councilmember Jaffa, that Resolution No. 7705 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. 7705 adopted.

- k. Granting an Underground Power Easement to Salt River Project at Fire Station 216 at McDowell Road and 80th Street – Resolution No. 7706.

The easement is needed to provide electric power to Fire Station 216.

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

It was moved by Councilmember Jaffa, seconded by Councilmember Walters, that Resolution No. 7706 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. 7706 adopted.

- *l. Dedicating a Public Right-of-way for East McDowell Road and North 80th Street – Resolution No 7701.

This will dedicate City property as public streets adjacent to Fire Station 216.

- *m. Authorizing the City Manager to execute an Intergovernmental Agreement between the City of Mesa and the Arizona Department of Water Resources (ADWR). Through this agreement, ADWR will provide funding in the amount of \$4,500 for the rental of seventeen (17) tents to be used at the Arizona Water Festival – Resolution No. 7702.
- n. Authorizing the City Manager to execute an Intergovernmental Agreement between the State of Arizona through the Department of Economic Security (DES) and the City of Mesa for an award of \$408,050 in Federal social service funds. These funds support a portion of the operating costs for PREHAB's Domestic Violence Safe Temporary Overflow Program (DV) for July 1, 2001 through June 30, 2002 – Resolution No. 7707.

Kirby Allan reiterated his previous comments regarding the City's current form of government.

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

It was moved by Vice Mayor Davidson, seconded by Councilmember Walters, that Resolution No. 7707 be adopted.

Upon tabulation of votes, it showed:

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

Mayor Hawker declared the motion carried unanimously by those voting and Resolution No. 7707 adopted.

- o. Approving the recommendations of the Council District Commission of the City of Mesa concerning the establishment of Councilmember District Boundaries in accordance with the 2000 U.S. Decennial Census – Resolution No. 7708.

Mayor Hawker introduced Council District Commission Chairman Pat Langdon and stated that Chairman Langdon also served on the previous Council District Commission.

Chairman Langdon addressed the Council and introduced Commission Members Marti Soza and Alice Swinehart. Chairman Langdon also introduced Dr. Alan Heslop and Dr. Florence Adams of National Demographics Corporation (NDC) and stated that NDC provided technical support throughout the redistricting process. Chairman Langdon advised the Council that the recommendation from the Commission represents a culmination of four months of work, ten public hearings and numerous contacts with individual citizens. Chairman Langdon noted that it

is the unanimous recommendation of the Commission that the Final Recommended Plan be approved.

Mayor Hawker provided background information regarding enactment of the Council district system in Mesa, the process of electing six district Councilmembers, and the City Charter requirement that redistricting of the City occur every ten years in conjunction with the Decennial U.S. Census.

Dr. Heslop addressed the Council and commented on the criteria adopted by the Commission to guide the redistricting process, which included two mandatory criteria addressing Federal laws. He reported that the Voting Rights Act requires that benchmarks are met with respect to Hispanic population percentages in three districts in Mesa, predominantly District 4.

Dr. Heslop provided a brief overview of the redistricting process and reported that the process resulted in the development of a Final Recommended Plan which addresses citizen concerns and the criteria adopted by the Commission, including meeting benchmark Hispanic population percentages.

Dr. Adams referred to maps on display in the Council Chambers and outlined modifications incorporated into the Final Recommended Plan resulting from concerns raised by citizens regarding the Recommended Plan, including: a) the lack of a sense of community in District 1, which was addressed by moving the boundary line between Districts 1 and 5 to Lindsay Road and Val Vista Drive instead of Greenfield Road; b) the need to respect the Williams Gateway Airport influence area by keeping it intact within one district, which was addressed by incorporating the area wholly within District 6, and c) the division of the Evergreen Historic District, which was addressed by incorporating the entire Evergreen District within District 4.

Dr. Adams also reported that the Final Recommended Plan provides high negative population deviations in Districts 5 and 6 (high-growth districts) and significant positive population deviations in Districts 1, 2 and 3 (non-growth districts).

Dr. Adams spoke about the issue of disadvantaged voters (citizens ineligible to vote for District Councilmembers in the 2000 and 2002 elections) and reported that approximately 17,000 voters will be disadvantaged in conjunction with the Final Recommended Plan. She noted that approximately the same number of voters would be disadvantaged in conjunction with Alternative 2. Dr. Adams explained that this is an unfortunate consequence of redistricting while transitioning to a district system.

In response to questions from Mayor Hawker regarding the timeline associated with the remaining process and Justice Department approval, Don Peters, an attorney representing the City in this matter, advised that upon approval by the Council, the Final Recommended Plan will be submitted to the Justice Department by August 10, 2001. He noted that the Justice Department then has 60 days to either approve the Plan, request additional information or return the Plan for modifications. Mr. Peters said that every effort has been made to ensure that Justice Department approval is granted within the initial 60-day period.

In response to a question from Mayor Hawker regarding candidates gathering nomination signatures prior to Justice Department approval of the Plan, Mr. Peters stated the opinion that

although the City is precluded from holding an election prior to Justice Department pre-clearance of the Plan, preparatory election efforts are not precluded.

Councilmember Pomeroy commended the Commission and NDC on the quality work performed for the City and expressed support for approval of the Commission's recommendation. Councilmember Pomeroy also voiced concerns regarding the randomly numbered Council districts and stated the opinion that the current numbering system is confusing. He suggested that the districts be renumbered in the future.

Discussion ensued regarding the Council approval process of the Plan, the Commission's ultimate approval authority, and the Justice Department's pre-clearance process.

In response to concerns voiced by Councilmember Walters regarding the possibility of Justice Department objections to the Plan, Mr. Peters stated the opinion that the Plan complies with the Federal Voting Rights Act and said that objections are not anticipated.

Councilmember Jaffa voiced appreciation to NDC and the Commission for their efforts in this matter and particularly for responding to the input received regarding the importance of not dividing the Williams Gateway Airport and Falcon Field influence areas.

Councilmember Whalen thanked the Commission and staff for their work in this matter and commented on the benefits associated with the Council district system, including increased Council interaction with constituents.

Councilmember Kavanaugh commended NDC for its expertise in this area and voiced approval of the Final Recommended Plan.

It was moved by Councilmember Kavanaugh, seconded by Councilmember Pomeroy, that the recommendations of the Council District Commission of the City of Mesa concerning the establishment of Councilmember district boundaries in accordance with the 2000 U.S. Decennial Census be approved and that Resolution No. 7708 be adopted.

Carried unanimously.

Mayor Hawker thanked the Council District Commission members for their service to the City.

- *p. Approving and authorizing the City Manager or his designated representative to execute the first amendment to the Intergovernmental Agreement between the City of Mesa and the Apache Junction Fire District for fire dispatch services provided by the City of Mesa – Resolution No. 7703.
- *q. Approving and authorizing the City Manager or his designated representative to execute the first amendment to the Intergovernmental Agreement between the City of Mesa and the Town of Gilbert for fire dispatch services provided by the City of Mesa – Resolution No. 7704.

7. Consider the following ordinances:

- *a. Amending various sections of the Mesa City Code, changing the zoning of certain property described in Zoning Case Z01-32 (HL-01-002), adopting an official

supplementary zoning map and providing penalties for the violation thereof – Ordinance No. 3914.

8. Consider the following recommendations from the General Development Committee:

- *a. Approving staff's recommendation for the proposed improvements for Phase 4 of the Main Street Streetscape Project.
- *b. Deleted.

8.1 Consider the following alternative staff recommendations for relocating the Indoor Aquatic Center:

- a. Indoor Aquatic Center to be constructed at same site with no additional funding.
- b. Indoor Aquatic Center to be constructed at same site with approval for additional funding.
- c. Indoor Aquatic Center to be relocated to Site 17 with similar design with approval for additional funding.
- d. Indoor Aquatic Center to be relocated to Site 17 with similar design, added site enhancements and approval for additional funding.

Councilmember Walters, Chairman of the General Development Committee (GDC), provided a brief overview of this agenda item. She discussed the challenges faced by the Committee during its evaluation process relative to keeping the Indoor Aquatic Center (IAC) at its current site (Macdonald and First Avenue) or relocating the facility to Site 17 (east of the Sheraton Hotel). Councilmember Walters reported that as a result of extensive staff and citizen input, it was the Committee's unanimous decision to recommend to the Council that Site 17 be considered as the future location for the IAC. She emphasized, however, that her vote was not meant to be construed as an indication of her support at the full Council level for such a relocation. She expressed confidence that the IAC will become a world-class facility at either site and that it will contribute significantly to the Town Center area and the community as a whole. Councilmember Walters also acknowledged Mayor Hawker for his efforts in this regard.

Mayor Hawker advised that several citizens have submitted Speaker/Comment cards and invited them to address the Council.

Maureen Chaisson-Stewart, 518 South Miller Street, addressed the Council and spoke in support of the IAC's relocation to Site 17. She stressed that the larger site will attract national and international swimming and diving competitions, will provide sufficient parking, and will also be located in close proximity to hotels and meeting facilities.

Bradley Anderson, 2613 East Edgewood Circle, voiced concerns regarding the disparity in the current funding proposal as compared to what was initially approved by Mesa voters for an aquatic facility.

In response to a question from Mayor Hawker, City Engineer Keith Nath detailed the proposed budget options as follows: Alternative a, \$22,800,000; Alternative b, \$24,650,000; Alternative c, \$25,866,00, and Alternative d, \$27,796,00.

Councilmember Pomeroy said that although he is confident that the City will have a world-class aquatic facility, he is deeply concerned about the ever-increasing costs associated with its construction. He advised that he cannot justify the relocation of the IAC to Site 17, at a cost of \$3 to \$5 million, in light of the fact that other City programs will not be funded as a result of the current budget shortfall. Councilmember Pomeroy expressed support for keeping the IAC at the original site to attract economic development and to create synergy in the Town Center area.

In response to a question from Councilmember Pomeroy, Mr. Nath clarified that with regard to Alternative b, the proposed \$1.85 million in additional funding represents the reinstatement of items eliminated in the third round of value engineering and increased construction costs based on more accurate data. (Examples included: underground piping for storm water retention; site development; acoustical treatment; a/v system, and plumbing costs.)

Vance Marshall, 4300 North Miller Road, Scottsdale, a representative of VJ Properties, Inc., stated that his firm has partnered with the Crow Group as the City of Mesa's approved Preferred Developer for the Site 25 redevelopment project. He encouraged the Council to keep the IAC at its current location to serve as a catalyst for future development in the Town Center area.

Councilmember Kavanaugh expressed support for Alternative b. He indicated that the current site is consistent with the Downtown Concept Plan and also commented that the IAC will serve as an important asset to jumpstart economic development south of Main Street.

Vice Mayor Davidson said that he favors the relocation of the IAC to Site 17. He stated the opinion that the IAC and the Mesa Performing Arts Center will be independent facilities and their success will not be dependent upon their close proximity to one another. Vice Mayor Davidson added that with the relocation of the IAC to Site 17, visitors to the facility will venture to the Town Center area to access local restaurants and businesses.

Councilmember Walters voiced concerns that the fiscal impact of the IAC has not been clearly understood by the public and noted that when funding was approved for the facility, the Council was assured that sufficient monies existed in the Quality of Life program to prevent the elimination of other voter-approved programs. Councilmember Walters advised that she would vote in favor of Alternative b, and added that the current site will attract needed development to the Town Center area. Councilmember Walters also acknowledged Marilyn Wennerstrom for her insightful analysis relative to this issue.

Discussion ensued relative to the fact that of the IAC's \$22.8 million currently approved budget, \$7.8 million is derived from park bonds and the remaining \$15 million from the Quality of Life program; the fact that the source of additional funding for Alternatives b, c and d will be generated from the City's General Fund, and the fact that all four alternatives will impact the budget in FY 2003/04 and FY 2004/05 due to the fact that there will be a decrease in the City's debt service costs.

Mayor Hawker provided background information regarding the failed Mesa Verde project which was originally slated to be located on Site 17; his participation in the Mayors' Design Institute

and the unanimous decision of the Institute's experts that Site 17 is the appropriate venue for the IAC, and staff's cost analyses of both sites.

Mayor Hawker voiced support for Alternative c and explained that although the City has already spent more than \$1 million to complete the 50% construction document phase, it would be better for the long term to move the IAC to Site 17. He emphasized that in addition to the anticipated international and national swimming and diving competitions, the IAC will also be utilized by Mesa citizens as a community facility. Mayor Hawker thanked the Councilmembers for their participation during this difficult evaluation process.

Parks and Recreation Director Joe Holmwood provided the Council with brief historical background relative to the initial Red Mountain Park aquatic facility, the inception of a world-class aquatic facility, and ongoing project designs/costs.

Councilmember Jaffa concurred with Councilmember Pomeroy's comments regarding the project's escalating costs and stressed his unwillingness to support the IAC's relocation to Site 17. He stated the opinion that it is imperative to master plan the area surrounding the proposed IAC site to assure the success of the Town Center in its redevelopment efforts.

Committeemember Whalen stated the opinion that if the IAC were to remain at the proposed site, it would be necessary to "clean up" areas of the surrounding neighborhood, including the Alhambra Hotel, currently the home of eight registered sex offenders, and a residential treatment center, to assure the safety of children who would visit the aquatic facility.

Councilmember Pomeroy spoke in support of Alternative b.

It was moved by Councilmember Pomeroy, seconded by Councilmember Walters, that the Indoor Aquatic Center be constructed at the currently proposed site (Alternative b) and that additional funding (\$1.85 million) for a total cost of \$24,650,000 be approved.

Councilmember Kavanaugh noted that the Council's discussion has been beneficial in addressing various issues which the Council, staff and the consultants have encountered during the analysis process. Councilmember Kavanaugh said that it is anticipated that the IAC will generate a level of synergy in the Town Center area and will also improve the nature of the housing stock/business facilities as well.

In response to a question from Councilmember Walters, Mr. Nath clarified that if the Council does not approve additional funding in Alternative b, the project would remain at the current site, but it would result in modifications to the current design and reduced capabilities of hosting world-class events and quality regional events.

Councilmember Walters stressed that in addition to swimming and diving competitions, the IAC will be available for community recreational, competitive and instructional activities.

Councilmember Whalen emphasized the importance of master planning the original site and expressed support for Alternative b.

City Manager Mike Hutchinson spoke regarding the City's acquisition of various properties within the Town Center and also discussed the potential of additional parking within the area.

Vice Mayor Davidson commended Mayor Hawker for his insightful 25-year "vision" for Mesa's future and stressed that in order to achieve such a goal, it is imperative that the IAC be relocated to Site 17.

Upon tabulation of votes, it showed:

AYES - Jaffa-Kavanaugh-Pomeroy-Walters-Whalen
NAYS - Hawker-Davidson

Mayor Hawker declared the motion carried by majority vote.

In response to a question from Mayor Hawker, Mr. Nath advised that it is anticipated that groundbreaking for the IAC will occur in the spring of 2002 and added that the facility is scheduled to open in the fall of 2003.

(Mayor Hawker declared a recess at 7:50 p.m. and the meeting reconvened at 8:00 p.m.)

9. Consider the following items as recommended by the Police Committee:

- *a. Recommending a Request For Proposal process for purchase of a third helicopter be initiated.
- *b. Approving the phased acquisition of ballistic helmets for sworn Police Officers.

10. Consider the following recommendation from the Museum and Cultural Advisory Board:

- *a. Recommending an adjustment in the range of class fees from \$11-\$96 to \$11-\$175 and authorizing the Arts and Cultural Director to discount fees where appropriate at the Mesa Arts Center.

*11. Write-off of utility and miscellaneous accounts in the amount of \$308,453.00.

12. Consider an alternative program to replace the Mesa Police Department's Drug Abuse Resistance Education (D.A.R.E.) Program.

Assistant to the City Manager Ellen Pence addressed the Council relative to this agenda item. She reported that subsequent to the Spring 2001 budget hearings, City staff, D.A.R.E. officers and a team of teachers, counselors and staff from Mesa Public Schools met to develop a program to replace the Mesa Police Department's Drug Abuse Resistance Education (D.A.R.E.) program entitled **Positive Choices: Drug Resistance Training for Youth**. Ms. Pence explained that the program, whose target audience includes students in Grades 3, 5 and 6, represents a cost-effective alternative to D.A.R.E. She added that upon approval by the Council, it would be the team's recommendation to implement **Positive Choices** this fall and to conduct an evaluation of the program's effectiveness at a later time during the school year. Ms. Pence noted that the **Positive Choices** classes would be taught by "special presenters," individuals who are prepared and trained by Mesa Public Schools' curriculum specialists and retired D.A.R.E. officers.

In response to a question from Councilmember Walters, Dr. Olaf Jorgenson, Director of Curriculum and Instruction for Mesa Public Schools, explained that the **Positive Choices** proposed curriculum for Grade 6 currently includes one presentation by a “uniformed” police officer, such as a CAT officer, but stated that if the Council approves additional funding for increased police participation, curriculum modifications could be made to reflect such changes.

Discussion ensued relative to the fact that the special presenter model has proven to be an effective teaching tool; the fact that the **Positive Choices** program is not designed to be identical to the D.A.R.E. program, and the fact that the **Positive Choices** team garnered input from current D.A.R.E. officers relative to the essential components of the program curriculum.

Mayor Hawker advised that he received several Speaker/Comment cards and invited those individuals to address the Council.

Sheila Mitton, 1615 West Pueblo Avenue, spoke regarding an alternative drug resistance education program currently utilized in the Mesa Public Schools District entitled: **Safety Kids: Play It Smart, Stay Safe From Drugs**. She reported that **Safety Kids** has been an effective program throughout the United States and urged the Council to consider its implementation in Mesa’s schools.

Dawn Carpenter, 4141 South Hacienda Las Gavias Drive, a 6th grade teacher at Madison Elementary School, voiced support for the continuation of the current D.A.R.E. program. She stressed that the D.A.R.E. curriculum empowers children and teaches life strategies. She encouraged the Council to maintain a police officer presence within the schools.

Mayor Hawker advised that Melissa Jensen and Mary Lou St. Cyr support the current D.A.R.E. program but did not wish to address the Council.

E. Allan Brooks, 1461 East Garnet, concurred with the comments of the previous speaker and noted that the **Positive Choices** program is not a proven model. He suggested that prior to the program’s implementation, that a thorough analysis be conducted regarding its effectiveness.

Rob Velasco, 7830 East Portobello, voiced support for the D.A.R.E. program and stated the opinion that a police officer’s presence within the schools is an important component of such a program.

City Manager Mike Hutchinson advised that if the Council approves the implementation of the **Positive Choices** program, it is the intent of staff to implement the program immediately, to finalize the curriculum and to hire the necessary employees. He added that if it is the desire of the Council that the program include a greater police presence, staff will conduct further research and provide the Council with an update at a future time.

Councilmember Whalen stated the opinion that although the D.A.R.E. curriculum is in need of revisions, the interaction which occurs between the students and the police officers remains an effective tool in drug prevention. He encouraged staff to consult D.A.R.E. America in an effort to research methods to effectively update the local program.

Councilmember Kavanaugh, as Chairman of the Police Committee, voiced support for the **Positive Choices** program. He commented that there is an ongoing national debate relative to

the long-term positive effects of the D.A.R.E. program, and that D.A.R.E. America is attempting to retool a more effective pilot program. Councilmember Kavanaugh stated that the multi-level curriculum will achieve optimal results due to the fact students will be introduced to the program at an earlier age. He added that the currently assigned D.A.R.E. officers will also be more efficiently utilized during this tight budget year.

Vice Mayor Davidson concurred with Councilmember Kavanaugh's comments.

It was moved by Councilmember Kavanaugh, seconded by Vice Mayor Davidson, that an alternative program (**Positive Choices**) to replace the Mesa Police Department's Drug Abuse Resistance Education (D.A.R.E.) Program be approved.

Councilmember Walters expressed support for the motion, but noted that as a Councilmember, she is reluctant to comment on the implementation of school curriculum. She stated that several audits have revealed the existence of more effective drug prevention programs than D.A.R.E.; said it is imperative that the police officer presence remains in any alternative drug resistance program, and added that if the Mesa Public Schools' Governing Board does not concur with the Council's decision, she would invite the Board to consider funding the program.

In response to a question from Councilmember Jaffa, Mr. Hutchinson explained that in the **Positive Choices** program, a uniformed police officer would participate only in a limited capacity, and unlike the D.A.R.E. curriculum, would not be a presence in the school for the duration of the program.

Councilmember Jaffa discussed a variety of concerns regarding this matter and noted that the **Positive Choices** program has received the support of Mesa's Superintendent of Public Instruction and also a large segment of the community.

Dr. Jorgenson provided further clarification relative to the special presenters' role, qualifications and training.

Councilmember Pomeroy voiced opposition to the motion and explained that he has concerns regarding the qualifications/training of the special presenters. He stressed that it is critical that the delivery of the program be effectively administered. Councilmember Pomeroy added that in his opinion, D.A.R.E. remains an effective drug resistance program.

Mayor Hawker stated support for the **Positive Choices** program and suggested that the curriculum should address a wide range of issues including drug prevention, firearms, fire prevention and self-esteem. He commented that the reassignment of the current D.A.R.E. officers to other duties will be more economically feasible for the Police Department. He added that an additional police presence within the schools would be appropriate, such as CAT officers visiting with students during the school lunch break, and said he would encourage the Police Department to endorse such activity.

Upon a tabulation of votes, it showed:

AYES - Hawker-Davidson-Jaffa-Kavanaugh-Walters
NAYS - Pomeroy-Whalen

Mayor Hawker declared the motion carried by majority vote.

13. Consider the following cases from the Planning and Zoning Board and possible adoption of the corresponding Ordinances:

- *a. **Z01-31** The southeast corner of Mountain Road and Warner Road. Rezone from Maricopa County Rural 43, R1-35 RUPD, R1-18 RUPD, and R1-10 RUPD to City of Mesa R1-43, R1-35 PAD, R1-15 PAD, and R1-9 PAD. (230 ± acres). This case involves the establishment of City zoning on recently annexed property. Various owners; applicant, City of Mesa – Ordinance No. 3915.

P&Z Recommendation: Approval with conditions. (Vote 5-0)

1. Compliance with the Mesa Residential Development Guidelines where applicable.
2. Compliance with all City development codes and regulations.
3. Review and approval by the Planning and Zoning Board, Design Review Board (if applicable per Mesa Zoning Ordinance), and City Council of future development plans.
4. Owner granting an Avigation Easement and Release to the City, pertaining to Williams Gateway Airport which will be prepared and recorded by the City (concurrently with the recordation of the final subdivision map, prior to the issuance of a building permit).
5. Written notice be provided to future residents, and acknowledgment received that the project is within three miles of Williams Gateway Airport.
6. Noise attenuation measures be incorporated into the design and construction of the homes to achieve a noise level reduction of 25 db.

- *b. **Z01-33** The northeast corner of Main Street and Hobson. Rezone from R-2 to C-2 and Site Plan Review (1.73 acres). This case involves development of a retail center. Reed Family Partnership, owner; Represented by: Reta Reed Kellis; Pew & Lake, applicant; represented by: Sean Lake – Ordinance No. 3916.

P&Z Recommendation: Approval with conditions. (Vote 5-0)

1. Compliance with the basic development as described in the project narrative and as shown on the site plan, and elevations submitted, (without guarantee of lot yield, building count, lot coverage) except as noted below.
2. Compliance with all requirements of the Development Services Department (Engineering, Traffic Engineering, Solid Waste and Facilities, etc.).
3. Dedicate the right-of-way required under the Mesa City Code at the time of application for a building permit or at the time of the City's request for dedication, whichever comes first.
4. All street improvements and perimeter landscaping to be installed in the first phase of construction.
5. Review and compliance with all requirements of the Design Review Board.

6. Review and approval of a Special Use Permit by the Board of Adjustment for a comprehensive sign plan.
7. Retention basins to be 6:1 slopes maximum adjacent to rights-of-way and walks.

- *c. **Z01-34** The southeast corner of Brown Road and Ellsworth Road. Site Plan Review (10± acres). This case involves development of a shopping center. Ronald Ault, owner; Robert Kubicek, applicant, represented by Ralph Pew – Ordinance No. 3917.

P&Z Recommendation: Approval with conditions. (Vote 5-0)

1. Compliance with the basic development as shown on the site plan, preliminary plat and elevations submitted, (without guarantee of lot yield, building count, lot coverage) except as noted below.
2. Compliance with all City development codes and regulations.
3. Compliance with all requirements of the Development Services Department (Engineering, Traffic Engineering, Solid Waste and Facilities, etc.).
4. Dedicate the right-of-way required under the Mesa City Code at the time of application for a building permit, at the time of recordation of the subdivision plat, or at the time of the City's request for dedication, whichever comes first.
5. All street improvements and perimeter landscaping to be installed in the first phase of construction.
6. Recordation of cross-access with the Giant Convenience Store.
7. Compliance with all requirements of the Design Review Board.
8. All pad buildings to be architecturally compatible with the center.
9. Review and approval of a Special Use Permit by the Board of Adjustment for a comprehensive sign plan.
10. Site must comply with Native Plant Preservation requirements in the Desert Uplands Area.
11. Retention basins to be 6:1 slopes maximum when adjacent to right-of-way and sidewalks.
12. At Pad A, an administrative review and approval is required for any drive-thru uses.

- *d. **Z01-42** 7464 East Main Street. Council Use Permit for a school in C-2 (5.423 acres). This case involves conversion of a vacant commercial space in a shopping center to a charter school. Sun Valley LP, owner; Represented by: Robert Singer; Legacy Schools, applicant; represented by: Brenda Udall – Ordinance No. 3918.

P&Z Recommendation: Approval with conditions. (Vote 6-1).

1. Compliance with the basic development as described in the project narrative and as shown on the site plan and elevations submitted except as noted below.

2. Compliance with all requirements of the Development Services Department (Engineering, Traffic Engineering, Solid Waste and Facilities, Fire, etc.).
3. Compliance with all requirements of local and State codes for school occupancy.
4. Full compliance with all current Code requirements, unless modified through appropriate review and approval of variance(s).

- *e. **Z01-43** 2045 South Pennington. Council Use Permit for a school in C-2 (0.85 acres). This case involves conversion of a vacant day care facility to a school. Earl H. Jones, owner; St. Timothy's Catholic Community, applicant; represented by: Father Dale Fushek – Ordinance No. 3919.

P&Z Recommendation: Approval with conditions. (Vote 7-0)

1. Compliance with the basic development as described in the project narrative and as shown on the site plan and elevations submitted except as noted below.
2. Compliance with all requirements of the Development Services Department (Engineering, Traffic Engineering, Solid Waste and Facilities, Fire, etc.).
3. Compliance with local and State codes for change of occupancy to school use.
4. Addition of acceptable groundcover to the rear retention and play areas.
5. Elimination of the parallel parking space in the drive aisle and recordation of cross-access and reciprocal parking easements with Copper Tree Plaza to the north.
6. Full compliance with all current Code requirements, unless modified through appropriate review and approval of variance(s).

- *f. **Z01-47** 323 North Gilbert Road. Council Use Permit for a school in C-2. This project involves locating a charter school in an existing building in a retail center. Mike Beukers, owner; M.S. Kayes, applicant – Ordinance No. 3920.

P&Z Recommendation: Approval with conditions. (Vote 7-0)

1. Compliance with the basic development as described in the project narrative and as shown on the site plan submitted except as noted below.
2. Compliance with all City development codes and regulations.

14. Items from citizens present.

John Meisterheim, 9438 East Nora Street, a spokesman for the Save Usery Park organization, addressed the Council and voiced opposition to the Pass Mountain Diversion Alternative which is being proposed by the Maricopa County Flood Control District. He spoke regarding the potential damage to the Mountain Park Area and also encouraged citizen participation at a public meeting which will be conducted by the Flood Control District on August 16, 2001 at 6:30 p.m. at the Red Mountain Multigenerational Center.

Kirby Allan reiterated his comments regarding the City's current form of government.

Carol Owens, P.O. Box 1017, Apache Junction, concurred with the comments of Mr. Meisterheim and urged the Council to protect the Mountain Park Area from destruction.

15. Adjournment.

Without objection, the Regular Council Meeting adjourned at 9:09 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 6th day of August 2001. I further certify that the meeting was duly called and held and that a quorum was present.

BARBARA JONES, CITY CLERK

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