

COUNCIL MINUTES

February 18, 1997

The City Council of the City of Mesa met in a Study Session in the lower level meeting room of the Council Chambers, 57 East 1st Street, on February 18, 1997, at 5:15 p.m.

COUNCIL PRESENT

Mayor Wayne Brown
Pat Gilbert
John Giles
Dennis Kavanaugh
Joan Payne
Wayne Pomeroy
Jim Stapley

COUNCIL ABSENT

None

STAFF PRESENT

C.K. Luster
Vince Anderson
Pauline Backer
Cindy Barris
Neal Beets
Fred Conway
Mark Coon
Tim Dougherty
John Geier
Joe Holmwood
Mike Hutchinson
Lars Jarvie
Barbara Jones
Harry Kent
Wayne Korinek
Ron Krosting
Larry Lines
Rich Lorig
Dave Nichols

STAFF PRESENT (CONT.)

John Oliver
Ellen Pence
Bryan Raines
Tom Remes
Becky Richardson
Sharon Seekins
Debbie Vickman
Mindy White
Ralph Wisz

OTHERS PRESENT

Bob Bishop
Vince Marano
Chris Moeser
Dan Nowicki
Ralph Pew
Others

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

There were no reports at this time on meetings and/or conferences attended.

2. Scheduling of meetings and general information.

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

Wednesday, February 19, 1997, 7:30 a.m. - Breakfast Meeting with the Dobson Ranch Homeowner's Association Board of Directors

Friday, February 21, 1997, 7:30 a.m. - Study Session (to be followed by a tour of the Red Mountain Freeway alignment)

Tuesday, February 25, 1997, 7:00 p.m. - Transportation Committee Meeting

Friday, February 28, 1997, 7:00 a.m. - Utility Committee Meeting

Friday, February 28, 1997, 7:30 a.m. - Study Session

3. Review items on the agenda for the February 18, 1997, Regular Council Meeting.

All of the agenda items were reviewed among the Council and staff, with no formal action taken. There was particular discussion with regard to the following agenda items:

4. Consider the following contracts:

- *a. Annual supply contract for inorganic nitrate solution to be used in the City's wastewater collection system as requested by the Utility Operations Division.

The Purchasing Division recommends accepting the low bid by Vulcan Chemical Tech. Inc. at \$54,201.00 plus 5% use tax of \$2,710.05 for a total of \$56,911.05.

Vince Marano, Sales Representative for U.S. Filter/Davis Process, spoke regarding U.S. Filter's patented process for the removal of dissolved hydrogen sulfide and the reduction of sewage bod in sewer or other waste systems. Mr. Marano reported that Mesa has utilized U.S. Filter's patented process since 1993 and said that if the patented process is to be continued, a license will be required. Mr. Marano suggested that the City: 1) carefully review all pertinent documents prior to making a decision to grant a contract to Vulcan Chemical Tech. Inc., 2) obtain an opinion from an attorney knowledgeable in patent law and infringement issues, and 3) seek the City Attorney's opinion concerning the sufficiency of the indemnification offered by Vulcan Chemical Tech. Inc. Mr. Marano noted that U.S. Filter will agree to continue supplying nitrate to the City at the current rate and under the current conditions while the City investigates the matter. Mr. Marano added that U. S. Filter is requesting that the City, or any vender supplying nitrate to the City for use with U.S. Filter's patented process, obtain a license from U.S. Filter. Mr. Marano stated that as long as Mesa continues to obtain nitrate from U.S. Filter, it will receive an implied license to practice U.S. Filter's patented technology.

Mayor Brown said that this item will be taken under advisement and continued to the March 3, 1997, Regular Council Meeting.

7. Consider the following cases from the Planning and Zoning Board and possible adoption of the corresponding ordinances:

- a. **Z96-101** The 7100 block of East McKellips Road (north side). Rezone from R1-35 -to R-2-PAD (15± acres). This case involves the development of a 118-lot patio home project. Gerald & Elaine Petersen Trust, owner; The DeHaven Company, applicant. A 3/4 VOTE IS REQUIRED TO APPROVE THIS REQUEST. THIS CASE WAS CONTINUED FROM THE DECEMBER 16, 1996, AND JANUARY 21, 1997, COUNCIL MEETINGS.

Community Development Manager Wayne Balmer stated that a letter has been received requesting that the case be referred back to the Planning and Zoning Board.

Mayor Brown stated that this item will be added to the consent agenda for the purpose of referring it back to the Planning and Zoning Board.

- d. **Z97-3** The southeast corner of 40th Street and Brown Road. Rezone from AG to R1-15-PAD (60± acres). This case involves the development of a single-residence subdivision. Harvey Wood, owner; Hancock Communities, Inc., applicant.

Councilmember Pomeroy indicated that he had a potential conflict of interest in connection with the matter now under discussion which he wanted recorded in the minutes of the meeting, and because of such conflict of interest, he would refrain from voting upon or otherwise participating in any manner in connection with same.

Mr. Balmer noted the applicant's request for a continuance to the March 17, 1997, Regular Council Meeting.

Mayor Brown stated that this item will be added to the consent agenda for the purpose of continuance to the March 17, 1997, Regular Council Meeting.

4. Prescheduled public opinion appearances (prescheduled appearances will begin at 5:30 p.m.; there will be a minimum of three speakers for five minutes per speaker).

- a. Hear from Bob Bishop regarding Dial-a-Ride problems.

Bob Bishop, 1426 South 37th Street, spoke concerning personnel problems at Dial-a-Ride and possible future implications. Mr. Bishop requested that the City research the issues presented regarding Dial-a-Ride's operation and speak with Mr. Arnett at Dial-a-Ride.

Mayor Brown thanked Mr. Bishop for the information and suggested that he appear before the Regional Public Transportation Authority (RPTA) to report his findings. Mayor Brown explained that the RPTA is the agency that has contracted with Mr. Arnett to operate Dial-a-Ride. Mayor Brown said that staff will request that RPTA speak with Mr. Arnett.

- b. Hear from Theresa Gonzales regarding field usage in the East Valley for youth sports programs.

Theresa Gonzales, 832 North Seton, President of the Red Mountain Little League, expressed concern regarding the limited availability of ballfields for the Little League program in Mesa. Ms. Gonzales advised that approximately 10,000 youth participate in Little League. Ms. Gonzales said that the Red Mountain Little League is currently working with Mesa's Parks, Recreation and Cultural Department regarding field usage, but noted the need to add lighting to fields located at Fremont Junior High School.

Assistant City Manager Mike Hutchinson commented that providing facilities for youth activities is a high priority for Mesa. Mr. Hutchinson said that the City anticipates installing lighting at Fremont during the Summer of 1997.

Mayor Brown expressed appreciation to Ms. Gonzales for her comments and acknowledged that the City is aware that there is a need for additional parks.

c. Hear from Mike Christopher regarding field usage in the East Valley for youth sports programs.

Mr. Christopher was not present to speak at this time.

5. Adjournment.

Without objection, the meeting was adjourned at 5:43 p.m.

WAYNE BROWN, MAYOR

ATTEST:

BARBARA JONES, CITY CLERK

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the Study Session of the City Council of Mesa, Arizona, held on the 18th day of February, 1997. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 4th day of March 1997

BARBARA JONES, CITY CLERK