

COUNCIL MINUTES

June 30, 1999

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 June 30, 1999 at 7:30 a.m.

COUNCIL PRESENT

Mayor Wayne Brown
Jim Davidson
John Giles
Bill Jaffa
Dennis Kavanaugh
Pat Pomeroy

COUNCIL ABSENT

Keno Hawker

STAFF PRESENT

C.K. Luster
Vince Anderson
Wayne Balmer
Kathy Barrett
Cindy Barris
Neal Beets
Diane Brady
Jamie Brennen
Dennis Compton
Fred Conway
Luigi Digirolamo
Penny Griffin
Joe Holmwood
Mike Hutchinson
Mike Kalember
Wayne Korinek
Rich Lorig
Jeff Martin
Keith Nath
Joe Padilla
Ellen Pence
Andrea Rasizer
Tom Remes

STAFF PRESENT (CONT.)

Becky Richardson
Sharon Seekins
Jan Strauss
Ron Von Burg
Bill Way
Mike Whalen
Mindy White
Paul Wilson
Others

OTHERS PRESENT

Elijah Cardon
Diane Heinz
Jan Johnson
John Kerr
Lynn Kusy
Barrett Marson
Robbie Sherwood
Arlene Wight
Others

Mayor Brown excused Councilmember Hawker from the meeting.

1. Review items on the agenda for the July 6, 1999 Regular Council Meeting.

All of the items on the agenda were reviewed among Council and staff with no formal action taken. There was specific discussion relative to the following agenda items:

4. Consider the following contracts.

- *f. Two-year supply contract for softballs and baseballs for Materials and Supply Division Warehouse inventory to be used by the Parks, Recreation and Cultural Division. These softballs will be used in the fiscal year 1999-00 adult sports programs.

In response to a question from Vice Mayor Giles, Purchasing Director Sharon Seekins explained that the funds are utilized to purchase softballs/baseballs for City leagues and that the costs of the balls are absorbed in the users' fees.

Mayor Brown requested additional information pertaining to fees collected.

5. Consider the following resolution.

- *c. Authorizing the City Manager to execute an Intergovernmental Agreement between the State Department of Transportation and the City of Mesa.

In response to a question from Councilmember Pomeroy, City Engineer Keith Nath explained that the proposed resolution has been recommended for approval by the Transportation Committee and the Transportation Advisory Board. Mr. Nath added that an Intergovernmental Agreement for this item is required in order for the City to receive funding and the State to administer the contract.

7. Consider the following ordinance.

- *a. Relating to public health; amending Section 6-11-2 of the Mesa City Code regarding the mechanical separation of smoking and smoke-free areas in bars in restaurants; and providing penalties for the violation thereof.

Councilmember Davidson commented that he was reluctant to endorse this item as an effective means of providing larger unrestricted openings to nonsmoking areas.

Mayor Brown advised that this item will be removed from the consent agenda.

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

- a. Z99-10 The northwest corner of Brown and Ellsworth Roads. Rezone from R1-43 to C-2. (12.8 +/- acres). This case involves the development of a grocery/retail center with (3) pad uses. E.A. Cardon, owner; W. Alan Turley, applicant. **A ¾ VOTE IS REQUIRED TO APPROVE THIS REQUEST.**

Community Development Manager Wayne Balmer advised that an updated protest petition has been distributed to Council and that a ¾ vote is necessary to approve the case.

At the request of Vice Mayor Giles, Mr. Balmer provided the Council with a summary of the neighbors' concerns relating to acreage, location of commercial development, and desert preservation.

Mr. Balmer responded to questions from Councilmember Pomeroy regarding landscaping and setbacks. Mr. Balmer reported that the Planning and Zoning Board and City staff recommend approval of this item.

In response to a question from Councilmember Davidson, Elijah Cardon, owner, advised that vegetation will be boxed and relocated into the landscaping wherever possible.

- *b. Z99-12 Parcel 15 at Red Mountain Ranch. Rezone from C-2 (Conceptual R-2-PAD) to R-2-PAD (2.69 +/- acres). This case involves the development of a townhouse project. Ray A. Mehan, owner; Ralph Pew, applicant.

Councilmember Davidson expressed concern regarding the case and requested that this item be removed from the consent agenda.

- *c. Z99-43 The southwest corner of Southern Avenue and Superstition Springs Boulevard. Site Plan Modification (22 +/- acres). This case involves the expansion of the existing Wal-Mart store at Superstition Springs. Benji Frantz, The Westcor Co. II, L.P., owner; Stephen R. Earl, applicant.

Mr. Balmer stated that the citizen participation process has had a significant impact on this case and that letters have been received from neighbors in favor of the project. Mr. Balmer noted that this item is recommended for approval by staff and the Planning and Zoning Board.

- *h. Z99-52 The 2900 block of North Norwalk (east side). Rezone from M-1 to M-1-PAD (11 +/- acres). This case involves the development of an industrial complex. The Reeb Group, Ltd., owner; Fred Woods, applicant.

Councilmember Jaffa 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.

At the request of Vice Mayor Giles, Mr. Balmer described the anticipated development. Mr. Balmer advised that acceptance by the Design Review Board is a condition of approval.

Mayor Brown stated that this item will be removed from the consent agenda.

2. Desert Peaks awards presentation.

Fire Chief Dennis Compton briefly presented background information concerning the Maricopa Association of Governments (MAG) Desert Peaks award process, which recognizes excellence in regional cooperation. Chief Compton advised that Mesa is the recipient of MAG's "automatic aid" and "regional partnership" awards. Chief Compton provided an overview of the City's automatic aid program.

Lynn Kusy, Executive Director, Williams Gateway Airport, reported that the MAG "regional partnership" award was presented to the four local entities participating in the Williams Gateway Airport Authority (Mesa, Gilbert, Queen Creek, and the Gila River Indian Community). Mr. Kusy outlined activities of the Airport Authority and expressed appreciation for Council's support.

Mayor Brown thanked Chief Compton, Mr. Kusy and staff for their efforts.

3. Hear and consider a report from representatives of the Mesa Partnership For Children With Special Health Care Needs (The Mesa Partnership).

Arlene Wight, parent leader, provided background information concerning the Mesa Partnership For Children With Special Health Care Needs (CSHCN) and relayed events from a recent conference in Flagstaff entitled "Shared Visions For Strong Communities."

Jan Johnson, parent leader, advised that the organization is conducting a needs assessment and is evaluating services in Mesa. Ms. Johnson said that information from the assessment will become part of a "report card" for the community.

Dr. John Kerr noted his appreciation for the Flagstaff workshop and the efforts of the Arizona Health Department in assisting communities with the organization of advocacy groups.

In response to a question from Councilmember Davidson, Ms. Wight stated that CSHCN has interviewed Carol Lopinski, Program Director for the East Valley Family Resource Center, and commented that this input will be incorporated into the "report card."

Mayor Brown thanked Ms. Wight, Ms. Johnson and Dr. Kerr for the update and expressed appreciation for the efforts of CSHCN.

3. Deleted.

4. Discuss and consider a proposed ordinance regarding non-human primates being housed in residential neighborhoods.

Police Commander Mike Kalember advised that, as requested, a handout summarizing options for consideration as well as an ordinance banning non-human primates within the City have been distributed to Council.

In response to a question from Mayor Brown, Animal Control Supervisor Diane Brady provided background information relating to recent complaints concerning monkeys within the City and in the County.

Councilmember Pomeroy reported on a recent visit to the home of a complainant, Diane Heinz. Councilmember Pomeroy referenced an existing ordinance which prohibits the confinement of certain animals within 75 feet of any person other than the owner of a residence and suggested including a provision for animals such as monkeys.

Councilmember Kavanaugh noted that Apache Junction is the only jurisdiction in the Valley with an ordinance that regulates primates and commented that over the last 10 years, there have been fewer than 10 complaints regarding primates in Mesa. Councilmember Kavanaugh recommended consideration of an alternative to a ban.

In response to a question from Councilmember Kavanaugh, Ms. Brady suggested that housing and number be addressed in a manner similar to the existing regulations for livestock and poultry to circumvent potential problems and provide officers with enforcement options.

Vice Mayor Giles concurred with Councilmember Kavanaugh that a ban may be an inappropriate response and stated that he is aware of families who responsibly care for animals. Vice Mayor Giles stated support for Option B as noted in the alternatives presented to Council, which would restrict housing, number and distance from adjacent property owners.

Discussion ensued regarding the proposed ordinance and applicable laws and definitions.

Councilmember Pomeroy reiterated his support for restricting animals such as monkeys within 75 feet of a residence of any person other than the owner.

It was moved by Councilmember Kavanaugh, seconded by Vice Mayor Giles, to direct staff to draft an ordinance based on Option B and to return the ordinance to Council for review.

Councilmember Jaffa stated support for Option B.

Mayor Brown declared the motion carried unanimously by those present.

Diane Heinz, 616 South 75th Street, thanked Councilmember Pomeroy for visiting her home and expressed appreciation to Council for their efforts.

6. Discuss and consider proposals for a photo safety program (photo radar and red light cameras).

Assistant Police Chief Mike Whalen advised that two vendors responded to the Request for Proposals (RFP) issued by the Police Department in April, 1999. Chief Whalen stated that an evaluation team comprised of Purchasing and Police Department personnel has reviewed the submittals and has recommended that the contract be awarded to Lockheed Martin. Chief Whalen stated that the proposed term of the contract is three years, with the possibility of a two-year extension.

Purchasing Director Sharon Seekins outlined the review process and objectives/criteria included in the evaluation.

Mayor Brown noted the importance of public safety and expressed concern that five left-turn cameras may be inadequate.

Discussion ensued regarding the anticipated location and the associated costs of the left-turn cameras. City Manager Charles Luster suggested that the proposed contract be awarded and that staff negotiate with the contractor to make additions based on costs that have been identified.

Mayor Brown requested statistical information pertaining to intersections with histories of accidents from left-turns.

Council and staff spoke concerning technology, costs and Lockheed's projected five-year profitability. Chief Whalen noted that photo safety represents one component of the City's overall traffic safety program.

Councilmember Davidson concurred with Mayor Brown regarding the importance of left-turn cameras. Councilmember Davidson spoke in favor of the proposed mobile vans, commenting that such vans may deter high school students from leaving school campuses at the lunch break and driving imprudently.

It was moved by Councilmember Pomeroy, seconded by Vice Mayor Giles, to instruct staff to determine the cost and prepare a plan for the future expansion of left-turn cameras.

Mayor Brown reiterated his request for statistics pertaining to intersections with left-turn accidents.

Mayor Brown declared the motion carried unanimously by those present

Councilmember Pomeroy spoke concerning the importance of public safety and the implementation of the proposed photo safety program.

It was moved by Councilmember Pomeroy, seconded by Councilmember Kavanaugh, to place this item on the agenda for the July 6, 1999 Regular Council Meeting.

Mayor Brown stated support for the recommended contract but encouraged efforts in relation to expanding the left-turn cameras.

Councilmember Jaffa spoke in favor of the proposal and opportunities for economies of scale in extending the program.

Mayor Brown declared the motion carried unanimously by those present

7. Delete.

8. Further discussion and consideration concerning proposed regulation of motorized skateboards (two possible options).

Councilmember Davidson stated that two options relating to motorized skateboards have been prepared for Council (“near total ban” and “regulation”) and that three issues need to be taken into consideration: 1) safety of the children using motorized skateboards, 2) safety of motor vehicle traffic within the right-of-way and 3) nuisance issues of noise and air quality. Councilmember Davidson stressed the need for an enforceable and meaningful ordinance.

Councilmember Davidson spoke concerning the importance of obtaining public input. Discussion ensued regarding the proper venue to obtain such input.

It was moved by Councilmember Davidson, seconded by Vice Mayor Giles, that the Police Committee conduct a public hearing on the two options relating to motorized skateboards.

Councilmember Jaffa concurred with Councilmember Davidson regarding the issue of enforcement.

Councilmember Kavanaugh spoke in support of a resolution and expressed a preference for Option B.

Councilmember Davidson noted the importance of obtaining input from individuals who utilize motorized skateboards as their primary mode of transportation.

Vice Mayor Giles concurred with Councilmember Davidson. Vice Mayor Giles noted that substantial investments have been made by many households for motorized skateboards. Vice Mayor Giles encouraged posting the Police Committee Meeting on Channel 11 and pursuing additional avenues of noticing the meeting.

Councilmember Davidson expressed concern in evaluating this issue with respect to investment versus safety.

Mayor Brown declared the motion carried unanimously by those present.

9. Further discussion and consideration concerning canal bank multi-use paths.

Community Development Manager Wayne Korinek referred to a map and presented a cost update for Phases I, II and III of the canal bank project.

Discussion ensued as to staff's recommendation to advertise for Phase I at this time, complete Phase IB and advertise for Phase IB the latter part of the fiscal year. Mr. Korinek pointed out that this process allows for the completion of two miles along the Consolidated Canal. Mr. Korinek added that staff would return to the City Council in the future to determine continued development.

Mr. Korinek informed Council that approximately \$1.7 million will remain of the original \$2.4 million and emphasized that if development is not continued along the Consolidated Canal to the southeast, the City will lose approximately \$947,000 in already-committed federal funds and will have to reapply for those funds directed to another alignment. Mr. Korinek commented that the likelihood of qualifying for what is identified as the future alignment is minimal given the recreational versus commuter usage.

It was moved by Councilmember Kavanaugh, seconded by Councilmember Pomeroy, that Phase IA and B be approved as recommended by staff.

Councilmember Pomeroy and Councilmember Davidson spoke concerning the importance of proceeding with the project.

Vice Mayor Giles expressed support for Phases I, II and III of this project. In response to a question from Vice Mayor Giles, Mr. Korinek stated that as the grants are written, \$1.9 million represents the City's contribution necessary to complete the phases.

Discussion ensued regarding funding and development of the canal to the north.

Councilmember Jaffa stated support for the project and suggested future budgeting/plans for connecting canals throughout the City and phasing improvements.

Mayor Brown declared the motion carried unanimously by those present

10. Appointments to Boards and Committees.

Mayor Brown recommended that Kimberly J. Cummings be appointed to the Crime Prevention Advisory Board – term ending June 30, 2001.

It was moved by Councilmember Jaffa, seconded by Councilmember Pomeroy, that the Council concur with the Mayor's recommendation and the appointment be confirmed.

Mayor Brown declared the motion carried unanimously by those present.

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

Councilmember Kavanaugh reported concerning a recent tobacco compliance check he attended with members of the Police Department and teens in the City. Councilmember Kavanaugh noted an 84 percent compliance rate and commended the Police Department and the teens for their work.

Councilmember Jaffa advised that he recently attended an American Public Power Association Conference in Salt Lake City, Utah, which addressed critical issues concerning utility deregulation.

12. Scheduling of meetings and general information.

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

Tuesday, July 6, 1999, 5:45 p.m. - Regular Council Meeting

Thursday, July 8, 1999, 7:30 a.m. - Study Session

Monday, July 12, 1999, 4:00 p.m. - Police Committee Meeting (public hearing regarding motorized skateboards)

13. Prescheduled public opinion appearances (maximum of three speakers for three minutes per speaker).

There were no prescheduled public opinion appearances.

14. Items from citizens present (maximum of three speakers for three minutes per speaker).

Colleen Covey, 943 East 9th Place, related concerns that Fourth of July activities in Mesa are to be held on July 5, 1999.

15. Adjournment.

Without objection, the Study Session adjourned at 9:15 a.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 30th day of June, 1999. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this ____ day of _____ 1999

BARBARA JONES, CITY CLERK