

# COUNCIL MINUTES

March 15, 1999

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 March 15, 1999 at 6:05 p.m.

## COUNCIL PRESENT

Mayor Wayne Brown  
Jim Davidson  
Keno Hawker  
Bill Jaffa  
Dennis Kavanaugh  
Pat Pomeroy

## COUNCIL ABSENT

John Giles  
  
POLICE OFFICER  
PRESENT  
  
David Klein

## OFFICERS PRESENT

Neal Beets  
Barbara Jones

Mayor Brown excused Vice Mayor Giles from the meeting.

Mayor Brown extended condolences to City Manager Charles Luster for the recent loss of his spouse.

Invocation by Pastor Daniel A. Turner, Red Mountain United Methodist.

Pledge of Allegiance led by Justin Tindall, Boy Scout Troop #674.

1. Approval of minutes of previous meetings as written.

It was moved by Councilmember Kavanaugh, seconded by Councilmember Pomeroy, that the minutes of February 18 and 25, 1999 and March 1, 1999 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 Councilmember Kavanaugh, seconded by Councilmember Davidson, that the consent agenda items be approved.

Carried unanimously.

3. Conduct a public hearing concerning the proposed revised Mesa Town Center Redevelopment Plan. (See Item 8b for text).

Mayor Brown and Councilmembers Hawker, Jaffa, and Pomeroy indicated that they had a potential conflict of interest in connection with the matter now under discussion which they wanted recorded in the minutes of the meeting.

City Attorney Neal Beets explained that because potential conflicts of interest affect four Councilmembers (a majority of the Council) and State law requires a Council-approved redevelopment plan for downtown before the City can proceed with additional redevelopment projects in the area, it is his recommendation and opinion that all Councilmembers can and should participate in discussion and voting on the proposed new redevelopment plan (see Items 8b and 8b.1).

Mayor Brown announced that this is the time and place for a public hearing regarding the proposed revised Mesa Town Center Redevelopment Plan.

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

3.1. Conduct a public hearing concerning the proposed CDBG/HOME/ESG Projects (Community Development Block Grant, HOME Investment Partnerships Program, Emergency Shelter Grant) for FY1999/2000 funding.

Mayor Brown announced that this is the time and place for a public hearing regarding the proposed CDBG/HOME/ESG Projects (Community Development Block Grant, HOME Investment Partnerships Program, Emergency Shelter Grant) for FY1999/2000 funding.

Alice Swinehart, 1763 North Pasadena, representing the North Center Revitalization Association (NCRA), described the diverse character of her neighborhood and related revitalization efforts to date. Ms. Swinehart spoke concerning the importance of working together to address issues and requested the City's support and funding for further improvements on behalf of the neighborhood as requested by the Mesa Community Action Network (Mesa CAN).

Mayor Brown thanked Ms. Swinehart for her comments.

Randy Gray, 924 North Country Club Drive, Executive Director of the Marc Center, presented background information pertaining to his organization and the services currently provided to more than 1,000 individuals on a daily basis. Mr. Gray noted previous partnership efforts between the Marc Center and the City and expressed appreciation for the City's consideration of this year's funding request.

Mayor Brown thanked Mr. Gray for his efforts and the contributions of his organization to the community.

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

4. Consider the following liquor license applications.

\*a. KARL H. LECLAIRE, PASTOR

Special event license application of Karl H. LeClaire, Pastor, for Queen of Peace Catholic Church, a one-day religious event to be held Sunday, March 28, 1999, from 11 a.m. to 9:30 p.m. at 141 North Macdonald Street, Queen of Peace Catholic Church.

\*b. JOSEPH SPADARO, PROGRAM DIRECTOR

Special event license application of Joseph Spadaro, Program Director, for St. Bridget's Knights of Columbus, a one-day fraternal event to be held Saturday, April 17, 1999, from 7 p.m. to 11 p.m. at 2213 North Lindsay Road, St. Bridget's Catholic Church.

\*c. ANDREW E. WRENN, INDIVIDUAL

Person transfer beer and wine bar license for Mother's Pizza, 1352 East Broadway Road. This transfer is from Mary Doris Denzer, Individual, Mother's Pizza, to Andrew E. Wrenn, Individual, Mother's Pizza.

\*d. KIM K. KWIATKOWSKI, AGENT

Location transfer liquor store license for Circle K Store #1996, 3520 East Main Street. This transfer is from Circle K Store #001170, 7541 East Broadway Road, Mesa, to Circle K Store #1996, 3520 East Main Street, Mesa.

\*e. CARLOS A. GUERRA, AGENT

New beer and wine store license for Giant #6801, 344 South Power Road. This is a new business; no previous liquor licenses at this location.

5. Consider the following bingo applications.

\*a. Citrus Gardens Activities Bingo – CLASS A  
Marcus McDonald, Manager  
4065 East University Drive  
Mesa, AZ 85205

\*b. Mark Park Homeowner's Inc. – CLASS B  
Edward A. Kline, Vice President  
625 West McKellips Road  
Mesa, AZ 85201

6. Consider the following contracts.

\*a. Training and duty ammunition as requested by the Police Department.

The Purchasing Division recommends accepting the low bid meeting specification by San Diego Police Equipment Company at \$36,157.16 plus 5% use tax of \$1,807.86 for a total of \$37,965.02.

\*b. One replacement and one new tractor backhoe with front end loaders as requested by the Utility Construction Division. These units will be used for installation of gas and water sewer lines. The Purchasing Division recommends accepting the low bid meeting specification by R.D.O. Equipment Company for \$93,218.82 including options and tax.

- \*c. 25 self-contained breathing apparatus and refill system retrofits as requested by the Fire Department.

The Purchasing Division recommends authorizing an additional purchase option from RFB #98067A with the low bid by First In Inc. at \$79,371.25 plus 7.0% sales tax of \$5,555.99 for a total of \$84,927.24.

- \*d. Two-year supply contract for automotive air conditioning supplies as requested by the Fleet Support Services Division.

The Purchasing Division recommends accepting the lowest overall bid by B & K Fleet Supply Company, Inc. for annual expenditures estimated at \$15,000.00.

- \*e. Two-year supply contract for automotive lighting, mirrors, and safety supplies as requested by the Fleet Support Services Division.

The Purchasing Division recommends accepting the lowest overall bid by The Lighthouse, Inc. for annual expenditures estimated at \$30,000.00.

- \*f. 21 thermal imaging cameras as requested by the Fire Department.

The Purchasing Division recommends accepting the low bid meeting specification by First In Inc. at \$321,498.89 including a remote transmitter/receiver, a two-year extended warranty on each unit, and applicable sales tax.

- \*g. Two-year contract for maintenance of deep well pumps on City-owned wells in Maricopa and Pinal Counties as requested by the Utility Operations Division.

The Purchasing Division recommends awarding to the lowest overall bidder, The B.L. Weber Group, for annual repairs estimated at \$125,000.00.

- \*h. Two replacement police motorcycles as requested by the Police Department.

The Purchasing Division recommends authorizing purchase from the State of Arizona contract with Valley Kawasaki for two assembled motorcycles at \$16,747.88 including assembly charge and tax on the equipment.

- \*i. Landscape maintenance services for medians and right-of-way areas for Section II as requested by the Street Maintenance Division. This contract covers an area west of Gilbert Road and south of Main Street.

The Purchasing Division recommends accepting the overall low bid by Petrini's Landscaping, Inc. at \$139,809.00 based on current estimated requirements.

- \*j. Eight modular office work stations for the Transportation Department.

The Purchasing Division recommends authorizing purchase from the State of Arizona contract with Goodman's Inc. at \$25,929.62 including materials, design services, delivery, installation, and applicable sales tax.

- \*k. Supply contract for nitrate solution to be used in the city wastewater system as requested by the Utility Operations Division.

The Purchasing Division recommends accepting the low bid by Hydro Agri North America at \$38,220.00 plus 5% use tax of \$1,911.00 for a total of \$40,131.00 based on estimated requirements.

- \*l. Personal computer (PC) software for City Departments as requested by the Information Services Division (ISD). This software will be installed on City personal computers in continuation of the City's PC standardization project.

The Purchasing Division recommends authorizing purchase from the State of Arizona contract with Software City for Diskeeper Workstation licenses and upgrades of \$27,695.25 and Lotus Notes licenses of \$25,229.82 plus 7% sales tax of \$3,704.76. The combined total award for licenses and upgrades is \$56,629.83 based on estimated requirements.

- m. Baseline Road improvements, Stapley Drive to 1,600 feet east - City of Mesa Project No. 98-41.1.

This project consists of the reconstruction of Baseline Road from Stapley Drive, 1,600 feet to the east.

Recommend award to low bidder, the Achen-Gardner Companies, in the amount of \$1,206,540.00.

Councilmember Hawker 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.

It was moved by Councilmember Kavanaugh, seconded by Councilmember Jaffa, that the recommendation of staff be approved.

Upon tabulation of votes, it showed:

AYES - Brown-Davidson-Jaffa-Kavanaugh-Pomeroy  
NAYS - None  
ABSENT - Giles  
ABSTAIN - Hawker

Mayor Brown declared the motion carried unanimously by those present and voting.

- n. Street improvements along North Old Gilbert Road and Hermosa Vista Drive; South Norfolk Street; and Golden and Gary Street cul-de-sacs - City of Mesa Project Nos. 98-80; 99-07; and 98-42.

This project consists of paving portions of old, existing residential streets that have never been paved.

Recommend award to low bidder, the Achen-Gardner Companies, in the amount of \$359,143.05.

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

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

Upon tabulation of votes, it showed:

AYES - Brown-Davidson-Kavanaugh-Pomeroy  
NAYS - None  
ABSENT - Giles  
ABSTAIN - Hawker-Jaffa

Mayor Brown declared the motion carried unanimously by those present and voting.

- \*o. Apache Junction Pressure Zone Pump Station No. 1, City of Mesa Project No. 98-56.

This project consists of upgrading an existing potable water pumping station located at 2762 North Waterbury Road.

Recommend award to low bidder, Felix Construction Company, in the amount of \$464,800.00.

7. Introduction of the following ordinances and setting April 5, 1999 as the date for the public hearing on these ordinances.

(Note: City Council introduction of ordinances does not necessarily reflect City Council approval of these ordinances. Introduction of ordinances sets in motion the public posting and advertising process for ordinances so that the City Council can hear from concerned citizens at the public hearing.)

- \*a. Removing the parking prohibition on the south side of Hermosa Vista Drive from Gilbert Road to a point 1,575 feet east of Gilbert Road and from 24th Street to a point 500 feet west of 24th Street; and on the north side of Hermosa Vista Drive from Gilbert Road to a point 1,485 feet east of Gilbert Road and from 24th Street to a point 340 feet west of 24th Street; prohibiting parking on Trailridge Circle west of Redmont Drive, on the west side of Horne from Holmes to U.S. 60, on Ellsworth Road from McDowell Road to the south City limits, on Usery Pass Road from McDowell Road to the north City limits, on Lansing Road from Ellsworth Road to Neville Avenue, on Neveille Avenue from Lansing to Monterey Avenue, and on Baldwin from Monterey Avenue to Baseline Road; establishing a speed limit of 50 mph on Ellsworth Road from McDowell Road to Elliot Road and on Usery Pass Road from McDowell Road to the north City limits; establishing a 30-mph speed limit on Lansing from Ellsworth Road to Neville Avenue, on Neville Avenue from Lansing to Monterey Avenue, and on Baldwin from Monterey Avenue to Baseline Road; including Ellsworth Road from McDowell Road to the south City limits, Usery Pass Road from McDowell Road to the north City limits, Lansing from Ellsworth Road to Neville Avenue, Neville Avenue from Lansing to Monterey Avenue, Baldwin Avenue from Monterey Avenue to Baseline Road, Farmdale Avenue from Signal Butte Road to Cheshire, and Cheshire from Southern Avenue to Broadway Road in Section 10-3-17 of the Mesa City Code "Special Stops Required"; prohibiting left turns between the hours of 4 p.m. and 6 p.m. from the driveway on Country Club Drive with centerline approximately 360 feet north of 9th Place; as recommended by the Transportation Advisory Board.
- \*b. Deleted.
- \*c. **Z98-78** The northwest corner of Brown and Greenfield Roads. Site plan modification (3.15 acres). This case involves the development of a daycare and two-story offices.

- \*d. **Z98-105** The southeast corner of Signal Butte and Broadway Roads. Rezone from O-S and R1-7 to C-2 (8.02 acres). This case involves the development of a commercial shopping center.
- \*e. **Z99-15** 6239 East Brown Road. Rezone from R1-35 (conceptual O-S) to O-S (2.41 acres). This case involves the development of an office complex.
- \*f. **Z99-16** The southeast corner of Power and Elliot Roads. Rezone from R1-43 to R-3, C-2, M-1 and M-2 with a DMP overlay (82+/- acres). This case involves a land use master plan containing mixed uses.
- \*g. **Z99-17** 4827 East Southern Avenue. Rezone from R1-15 (Conceptual R-2) to O-S (1+/- acres). This case involves the development of an office.
- \*h. **Z99-18** The 100 block of South 54th Street (west side). Rezone from R-3 to R-4 (5+/- acres). This case involves the development of an R.V. park.
- \*i. **Z99-20** The southwest corner of Country Club Drive and Juanita Avenue. Site plan modification (8.2 acres). This case involves the development of industrial, commercial, retail, office, and restaurant uses.

8. Consider the following resolutions.

- \*a. Extending an invitation to the City of Burnaby, British Columbia, Canada, to participate with Mesa as its Sister City - Resolution No. 7332.
- b. Relating to redevelopment areas, and finding and declaring the necessity of redevelopment of the Mesa Town Center - Resolution No. 7336.

*and*

- b.1. Approving a redevelopment plan for the Mesa Town Center area - Resolution No. 7337.

Mayor Brown and Councilmembers Hawker, Jaffa, and Pomeroy indicated that they had a potential conflict of interest in connection with the matter now under discussion which they wanted recorded in the minutes of the meeting.

City Attorney Neal Beets explained that because potential conflicts of interest affect four Councilmembers (a majority of the Council) and State law requires a Council-approved redevelopment plan for downtown before the City can proceed with additional redevelopment projects in the area, it is his recommendation and opinion that all Councilmembers can and should participate in discussion and voting on the proposed new redevelopment plan (see also Item 3).

Councilmember Hawker indicated opposition to the proposed expansion of the Town Center redevelopment area. Councilmember Hawker noted that redevelopment allows the use of condemnation and the acquisition of parcels by the City to assemble land for business expansion. Councilmember Hawker commented that although the City has historically utilized discretion in such matters, an opportunity exists for error. Councilmember Hawker expressed the opinion that land acquisition should be mutually decided between property owners.

Councilmember Hawker noted that 21 objectives are outlined in the proposed redevelopment plan and that Item 20 involves the development of a cultural district. Councilmember Hawker stated the opinion

that the redevelopment plan is not an appropriate venue and that such matters should be determined through zoning cases and master plans, not redevelopment efforts.

Councilmember Hawker reiterated his concerns relative to eminent domain and commented that the Town Center square mile (the current redevelopment area) is sufficient at this time.

Councilmember Davidson expressed appreciation for Councilmember Hawker's concerns but stated the opinion that the proposed redevelopment expansion and new Sign Code (see Items 8c and 9a) represent a more aggressive approach to redevelopment efforts in the Town Center area, which will revolve around the future performing arts center. Councilmember Davidson commented that the plan will assist in developing an economic center for the City and will promote diversity. Councilmember Davidson said that he will vote in favor of the items.

Councilmember Kavanaugh noted that the Downtown Development Committee (DDC) and Planning and Zoning Board unanimously recommended approval, and the General Development Committee, with the exception of Councilmember Hawker, recommended approval of the new redevelopment plan. Councilmember Kavanaugh expressed the opinion that Council utilizes eminent domain on a limited basis and that a primary reason for the proposed expansion is the need to include both sides of arterial streets within the redevelopment area. Councilmember Kavanaugh said that the proposal is designed to strengthen, not adversely impact, residential neighborhoods.

Councilmember Jaffa stated that he shares concerns relative to the utilization of condemnation and suggested that consideration be given to minimizing such authority. City Attorney Neal Beets noted State laws regarding condemnation and said that minimizing authority would necessitate the drafting of a resolution for Council consideration.

Councilmember Jaffa stated the opinion that redevelopment extends throughout the City beyond the Town Center area and that Council may need to consider additional redevelopment efforts in the future.

Luule Brandofino, 61 South Macdonald, spoke in favor of redevelopment but expressed concern relative to the utilization of eminent domain. Ms. Brandofino encouraged the City to acquire property at an appropriate price.

Councilmember Jaffa stated that Council shares Ms. Brandofino's concerns regarding eminent domain and compensation. Councilmember Jaffa advised that cases involving eminent domain will be presented to Council for consideration.

It was moved by Councilmember Kavanaugh, seconded by Councilmember Davidson, that Resolution No. 7336 be adopted (Item 8b).

Upon tabulation of votes, it showed:

AYES - Brown-Davidson-Jaffa-Kavanaugh-Pomeroy

NAYS - Hawker

ABSENT - Giles

Mayor Brown declared the motion carried by majority vote of those present and Resolution No. 7336 adopted.

It was moved by Councilmember Pomeroy, seconded by Councilmember Davidson, that Resolution No. 7337 be adopted (Item 8b.1).

Upon tabulation of votes, it showed:

AYES - Brown-Davidson-Jaffa-Kavanaugh-Pomeroy  
NAYS - Hawker  
ABSENT - Giles

Mayor Brown declared the motion carried by majority vote of those present and Resolution No. 7337 adopted.

- c. Relating to signs in the Town Center. Declaring the Sign Code to be a public record - Resolution No. 7338.

Mayor Brown and Councilmembers Hawker, Jaffa, and Pomeroy indicated that they had a potential conflict of interest in connection with the matter now under discussion which they wanted recorded in the minutes of the meeting.

City Attorney Neal Beets explained that because potential conflicts of interest affect four Councilmembers (a majority of the Council) and Council approval is necessary before the City can adopt a new Sign Code, it is his recommendation and opinion that all Councilmembers can and should participate in discussion and voting on the proposed new Sign Code (see Item 9a).

It was moved by Councilmember Kavanaugh, seconded by Councilmember Davidson, that Resolution No. 7338 be adopted.

Bill Brando, 61 South Macdonald, expressed the opinion that expanded opportunities to promote businesses in the community are necessary and that signage represents a significant venue. Mr. Brando commented that various types of signs are permitted (without insurance requirements) in other communities throughout the Valley and are currently allowed during the construction project along Main Street. Mr. Brando requested that Council allow the utilization of such signage on a permanent basis to assist Town Center and the City's redevelopment efforts.

Mayor Brown thanked Mr. Brando for his comments and stated that he empathizes with businesses concerning the construction process.

Upon tabulation of votes, it showed:

AYES - Brown-Davidson-Hawker-Jaffa-Kavanaugh-Pomeroy  
NAYS - None  
ABSENT - Giles

Mayor Brown declared the motion carried unanimously by those present and Resolution No. 7338 adopted.

- \*d. Extinguishing a temporary drainage easement in the Red Mountain Aviara Subdivision - Resolution No. 7333.

A permanent drainage easement has been dedicated by the subdivision making this temporary easement no longer necessary.

- \*e. Vacating a Portion of North 59th Street in the Loma Villa Subdivision - Resolution No. 7334.

The new Red Mountain Aviara subdivision will not extend 59th Street through to McDowell Road, making this portion of 59th Street no longer necessary.

- f. Approving the execution and delivery of an amended and restated intergovernmental agreement with the State of Arizona relating to the acceleration of the roadway design, right-of-way acquisition, and roadway construction of the Red Mountain Freeway between Country Club Drive and Gilbert Road, the acceleration of the General Plan of the Red Mountain Freeway between Gilbert Road and Higley Road, the obtaining of a utility easement between McKellips Road and Gilbert Road, and the advancing of funds by the City to the State to accomplish such purposes; authorizing the taking of all other actions necessary to the consummation of the transactions contemplated by this resolution; and declaring an emergency - Resolution No. 7339.

Assistant to the City Manager Jeff Martin provided an overview of the amended intergovernmental agreement with the State of Arizona. Mr. Martin indicated that a previous agreement was approved by Council in September 1997 but that a revised agreement is recommended based on the following: a) it is expected that the Environmental Impact Study (EIS) will not be completed until July 1999, which is more than a year later than originally anticipated and b) projected construction costs have increased from approximately \$37 million to approximately \$79.5 million.

Mr. Martin explained financing provisions under the previous and proposed agreements. Mr. Martin advised that the cost to the City to advance the project is estimated at \$2.8 million if the update to the Maricopa Association of Governments (MAG) freeway program is approved (which would advance the project by six months in MAG's program), representing an increase of approximately \$640,000 more than the estimate provided in September 1997. Mr. Martin stated that if the MAG update is not approved and the project is not advanced by six months, the cost to the City would increase to approximately \$3.8 million, representing an increase of \$1.68 million over the 1997 estimate.

Mr. Martin reported that the Arizona Department of Transportation (ADOT) began design work in February based on the understanding that the City might consider the revised agreement. Mr. Martin said that the time frame needed to finalize the agreement among involved parties has necessitated including an emergency clause to maintain the proposed schedule. Mr. Martin expressed appreciation for the assistance of ADOT.

Councilmember Pomeroy spoke in support of the proposal, noting the importance of efforts to complete the freeway system and improve transportation.

It was moved by Councilmember Pomeroy, seconded by Councilmember Kavanaugh, that Resolution No. 7339 be adopted.

Mr. Martin responded to questions from Council pertaining to anticipated completion dates for segments of the Red Mountain and San Tan Freeways, projected traffic volumes, and proposed funding.

Councilmembers Davidson and Hawker stated appreciation for the aggressive scheduling and efforts by the Mayor and staff.

Councilmember Hawker expressed concern regarding utilization of an emergency clause and the elimination of an opportunity for public recourse (referendum). Mayor Brown advised that he has had discussions regarding this issue with residents of the Lehi area, and they are now anticipating acceleration of the freeway construction.

Councilmember Jaffa stated appreciation for efforts to accelerate freeway completion.

Upon tabulation of votes, it showed:

AYES - Brown-Davidson-Hawker-Jaffa-Kavanaugh-Pomeroy  
NAYS - None  
ABSENT - Giles

Mayor Brown declared the motion carried unanimously by those present and Resolution No. 7339 adopted.

- \*g. Authorizing the City Attorney to use eminent domain to acquire land and land rights necessary to construct the Elliot Road Retention Basin - Resolution No. 7335.

9. Considering the following ordinance.

- a. Relating to signs; repealing Chapter 4, Title 4 of the Mesa City Code; preserving rights and duties that have matured and proceedings that have begun thereunder; amending Title 4 of the Mesa City Code by adding a new Chapter 4; providing penalties for the violation thereof; and establishing a delayed effective date. (See Item 8c for text) - Ordinance No. 3604.

Mayor Brown and Councilmembers Hawker, Jaffa, and Pomeroy indicated that they had a potential conflict of interest in connection with the matter now under discussion which they wanted recorded in the minutes of the meeting.

City Attorney Neal Beets explained that because potential conflicts of interest affect four Councilmembers (a majority of the Council) and Council approval is necessary before the City can adopt a new Sign Code, it is his recommendation and opinion that all Councilmembers can and should participate in discussion and voting on the proposed new Sign Code (see also Item 8c).

It was moved by Councilmember Kavanaugh, seconded by Councilmember Davidson, that Ordinance No. 3604 be adopted.

Councilmember Jaffa expressed the opinion that the proposed Sign Code will enhance the character of the City.

Upon tabulation of votes, it showed:

AYES - Brown-Davidson-Hawker-Jaffa-Kavanaugh-Pomeroy  
NAYS - None  
ABSENT - Giles

Mayor Brown declared the motion carried unanimously by those present and Ordinance No. 3604 adopted.

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

- \*a. Recommend adopting the proposed fee increase for the Arizona Museum for Youth.

\*10.1. Consider a notice of intention to consider establishing a wastewater rate to be used for governmental agencies wholesale service outside the City.

10.2. Consider the following recommendation from the Police Committee.

- a. Recommend that staff be directed to proceed with preparing a Request for Proposals (RFP) to expand the photo radar and red light program Citywide, as recommended, and that the drafted RFP be presented to the Police Committee for further review and consideration at a future Police Committee meeting.

Councilmember Pomeroy, Chairman of the Police Committee, stated that statistical data reflects that between 1992 and 1996 Mesa had the second highest number of red-light fatalities (following Phoenix) among cities with a population of more than 200,000. Councilmember Pomeroy advised that in response to traffic concerns, a photo safety program was implemented and has been under study by Arizona State University (ASU) since January 1997. Councilmember Pomeroy said that the results of the study indicate that photo safety enforcement has influenced crash rates within the City and the Police Committee has recommended that an RFP be prepared to expand the photo radar and red light program Citywide and that the drafted RFP be presented to the Police Committee for further review and consideration at a future meeting.

It was moved by Councilmember Pomeroy, seconded by Councilmember Kavanaugh, that the recommendation from the Police Committee be approved.

Dennis Jeter, 2725 South Los Altos, spoke concerning the importance of the photo enforcement program to public safety and encouraged Council approval of the recommendation.

Phillip Lowry, 2726 South Los Altos, retired professor of public education, expressed appreciation for the City's efforts to conduct the photo enforcement study. Dr. Lowry noted that the study reflects a reduction in the number of accidents, commenting that the change in rate before and after the implementation of photo enforcement is statistically significant. Dr. Lowry stated that the recommendation from the Police Department to expand the program is consistent with the results of the study and the experiences of other communities throughout the United States, Canada, and Europe. Dr. Lowry urged Council to approve the recommendation in an effort to improve public safety.

In response to a question from Councilmember Davidson, City Attorney Neal Beets spoke concerning evolving issues pertaining to legal responsibilities of vehicle owners for individuals who drive such vehicles.

Councilmember Davidson encouraged efforts to reduce the number of dismissed citations.

Councilmember Kavanaugh commented that although his neighborhood was in a quadrant of the City that did not receive the photo radar speed vans and red light cameras, the program has had a positive effect on traffic in the vicinity. Councilmember Kavanaugh spoke in support of comments expressed by Dr. Lowry.

Councilmember Jaffa stated that photo enforcement represents a component of the City's overall traffic safety program and emphasized the importance of zero tolerance in relation to traffic infractions.

Councilmember Hawker stated support for the preparation of an RFP at this time. In response to a question from Councilmember Hawker concerning correlation between the number of accidents and traffic counts, Dr. Lowry verified that the study was conducted utilizing crash rates (number of vehicles entering an intersection/number of accidents).

Mayor Brown noted discussions concerning the monitoring of left turns. Councilmember Pomeroy and Assistant Police Chief Mike Whalen advised that this matter will be addressed within the RFP.

Upon tabulation of votes, it showed:

AYES - Brown-Davidson-Hawker-Jaffa-Kavanaugh-Pomeroy  
NAYS - None  
ABSENT - Giles

Mayor Brown declared the motion carried unanimously by those present.

11. Consider the following subdivision plats.

- \*a. "ARBOLEDA UNIT ONE" - The 3200-3600 block of East McKellips Road (south side). 85 R1-35-PAD single-residence lots (80.6 acres). Edmunds-Toll Limited Partnership, developers; Sage Engineering Corporation, engineer.
- \*b. "LEHI SHADOWS TWO" - The 200-400 block of East Leland Street (south side). 12 R1-9 single-residence lots (3.69 acres). American Heritage Developers L.L.C., developers; D&M Engineering, engineer.
- \*c. "MAP OF DEDICATION FOR THE SPRINGS AT ALTA MESA" - The 1800 block of North Higley Road (east side). Alta Mesa 200 Limited Partnership, developers; D.N.A. Inc., engineer.

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

Brick Guinn, 126 West 7th Place, expressed concern relative to individuals congregating along Broadway Road and conditions he believes are an endangerment to the health of the public.

Vince Fantozzi, 1444 West 7th Street, related concerns regarding the description of the Rio Salado project to be included in the publicity pamphlet for the May 18, 1999 Special Election and proposed financing for the project.

13. Adjournment.

Without objection, the Council Regular Meeting adjourned at 7:33 p.m.

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WAYNE BROWN, MAYOR

ATTEST:

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BARBARA JONES, CITY CLERK

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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 15th day of March 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