

## COUNCIL MINUTES

March 20, 2003

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 March 20, 2003 at 7:30 a.m.

### COUNCIL PRESENT

Mayor Keno Hawker  
Rex Griswold  
Kyle Jones  
Dennis Kavanaugh  
Janie Thom  
Claudia Walters  
Mike Whalen

### COUNCIL ABSENT

None

### STAFF PRESENT

Paul Wenbert  
Debbie Spinner  
Barbara Jones

1. Hear a presentation, discuss and consider preliminary design alternatives for Va Shly'ay Akimel Salt River Restoration Project.

Assistant to the City Manager Jim Huling addressed the Council and noted that background information on the Va Shly'ay Akimel Salt River Restoration Project was presented to the Council in October 2002. Mr. Huling introduced Kayla Eckert, Study Manager, U.S. Army Corps of Engineers (USACE). He also introduced Senior Civil Engineer Gordon Haws and acknowledged the many hours Mr. Haws devoted to coordinating the project.

Ms. Eckert introduced Joe Dixon, Chief of the Planning Section for the USACE Los Angeles District in Phoenix. She presented information on the present condition of the Salt River and the changes that could be accomplished with restoration. Ms. Eckert stated that the report being provided is an update on the status of the feasibility study, which is funded as follows: 50% Federal government, 25% City of Mesa and 25% Salt River Pima Maricopa Indian Community. She noted that the cost of a restoration plan would be shared, with 65% paid by the Federal government and the remaining 35% the joint responsibility of the City of Mesa and the Salt River Pima-Maricopa Indian Community (SRPMIC). Ms. Eckert advised that the cost of operation and maintenance would be the responsibility of the non-federal sponsors after construction is completed.

Ms. Eckert emphasized that the purpose of the study presently under consideration is to determine the feasibility of restoring the subject section of the Salt River and, if feasible, to identify a recommended plan of action with estimated costs along with an Environmental Impact

Statement. She explained that the USACE follows established principles and guidelines to insure proper and consistent planning. Ms. Eckert stated that after objectives are established, the next step is to inventory and forecast the conditions followed by an evaluation of the 13 alternative plans (displayed on boards throughout the room). She noted that the plans were the result of significant involvement by local governments as well as the U.S. Fish and Wildlife Service, Arizona Game and Fish, local academics, citizen groups and other interested parties. Ms. Eckert reviewed the differences between Zero Riparian, Mezzo Riparian and Hydro Riparian and noted that the effects of the preliminary plans would be evaluated and the choices narrowed down to three by June 4, with a final plan selection to be made in December. Ms. Eckert thanked the Mayor and Councilmembers for their time and offered to answer any questions.

In response to a series of questions from Mayor Hawker, Ms. Eckert advised that the reason the project was divided into different reaches was that each section of the river has different issues to consider; that the study took into consideration that the sand and gravel operation is economically important to the SRPMIC, and the Community has been proactive in looking at reclamation plans; and that the reclamation area may be left at a certain grade where the only requirement would be the addition of water to naturally restore most of the vegetation.

Discussion ensued relative to the fact that mining is expected to continue at the Higley Plant, and that area has not been addressed; that the earliest estimated date for construction is 2008; that the maps being presented reflect the ultimate build; that the possibility exists to address the section of the project from the freeway to Tempe Town Lake and from the Granite Reef Diversion Dam to Tres Rios as one master plan, and this subject could be discussed at a future joint meeting between Mesa and Tempe; that connecting the entire section of the river made sense to the Corps of Engineers from a scientific base; and that in-kind contributions could be considered for part of the local match, such as the materials moving expertise of the Indian Community's mining operation.

In response to Mayor Hawker's question regarding the required Federal contribution, Mr. Huling stated that \$870,000 is needed from Congress this year to finish the feasibility study. He noted that last year, the City received \$800,000 when only \$200,000 was in the President's budget. Mr. Huling reported that \$400,000 is budgeted for the current year, so City staff is optimistic, based on past results as well as the strong support provided by the Arizona Congressional delegation for all USACE projects in Arizona.

Mayor Hawker noted the excellent job done by the USACE on the Indian Bend Wash in Scottsdale and at Tres Rios. He stated that when the Indian Community expressed an interest in a joint project, the City of Mesa became a willing partner in a project that will benefit both communities. Mayor Hawker expressed the hope that a trail system could be developed that connected both sides of the City, but that would depend on decisions made by the Indian Community relative to their desire to preserve some sensitive locations.

Councilmember Walters commended Mayor Hawker for his leadership on the restoration project. She noted that all citizens benefit from the Roosevelt Dam Project, but residents of this area also paid a cost as a result of changes in the Salt River.

In response to Councilmember Walters concern regarding the proximity of the proposed bird habitats to the airport, Ms. Eckert assured Councilmember Walters that the proposed project is well outside the FAA (Federal Aviation Administration) regulation of being 10,000 feet away from the end of the runway.

Councilmember Walters expressed the opinion that the City was on the right track, and the project will benefit future generations. She noted that too often governments have to deal with immediate problems, but this project was an opportunity for the future. Councilmember Walters concurred with Mayor Hawker that a path should be included in the plans and suggested a location on the south bank of the river that would not impact the Indian Community.

Vice Mayor Kavanaugh expressed his appreciation to Ms. Eckert and City staff for the update. He recalled that approximately five years ago, then Council candidate Hawker brought this issue to the attention of City government, illustrating the long-term nature of the process. Vice Mayor Kavanaugh noted that the support received from the Congressional delegation has been extraordinary and bipartisan. He added that communities across the country are rediscovering the value of their rivers in terms of economic development, tourism and quality of life.

Councilmember Whalen reported that recent discussions in Washington with Appropriations Committee Members were positive regarding future funding. He added that the USACE normally completes projects that have been started. Councilmember Whalen noted that Senator McCain endorsed this project and encouraged the Arizona delegation to provide their support as well. He expressed the opinion that Senator McCain is a strong ally in support of this project, and the City should cultivate that relationship.

In response to a series of questions from Councilmember Thom, Ms. Eckert advised that a flowing stream through the riverbed was probably an unrealistic expectation, but the Corps of Engineers would develop methods to place water in certain areas in order to support the vegetation; that when the project goes into the design phase, a Projection Cooperation Agreement (PCA) would be signed that includes provisions to address the possibility of a long-term drought; that future mining decisions would be the responsibility of the SRPMIC Council; that the USACE expects that a restored area would not be mined in the future; that upon completion the project would be the joint responsibility of the City of Mesa and the Indian community; and that the water required for the project is within the allocations of the City of Mesa and the Indian community and both share joint responsibility in this area.

Further discussion ensued relative to the fact that the City was holding preliminary discussions with the Indian Community regarding the water allocation; that 30,000 acre-feet of water were required for the project; that many alternatives were possible, but staff has proposed that the Indian Community provide the water and the City's contribution could be in the form of infrastructure; that the Salt River Project and the Roosevelt Water Conservation District are included in the plan; and that the Corps of Engineers has devised methods to use water runoff from irrigated farmlands to create detention ponds that will support the vegetation.

Councilmember Griswold advised that a problem exists on a riverbed berm at the end of Center Street where the police shooting range is located and asked if the Corps of Engineers could be of assistance.

Mayor Hawker expressed appreciation for the presentation. He addressed Councilmember Thom's questions by stating that any action would depend on decisions made by the Indian Community. Mayor Hawker explained that the City of Mesa was in some respects the big, silent partner, but added that the City would explore opportunities for win-win situations with the Indian Community.

Mr. Huling added that the Council has a joint meeting with the Indian Community Council in early April. He noted that the meeting will provide a great opportunity for each Council to share their thoughts and comments on the Va Shly'ay Akimel Project.

Councilmember Whalen expressed the opinion that opportunities for future development existed in the project area. He also noted that sections of land located in the Lindsay area might be appropriate for a City park.

2. Hear an update from a representative of the City Attorney's Office regarding the City's potential liability exposure from auctioning confiscated firearms.

Deputy City Attorney Joseph Padilla reported that the Arizona Supreme Court recently heard oral arguments, but no decision has been reached regarding the case utilized by City Attorney Debbie Spinner to determine City liability relative to the auctioning of weapons. He recommended the Council continue this item until April, at which time the Court may have reached a decision. Mr. Padilla explained that if the Court denies the review, the Appellate decision remains in effect and the legal opinion remains as is.

Mayor Hawker noted that the target date was April 7 and, if the Court has made no decision by that time, the item will then be rescheduled.

3. Acknowledge receipt of minutes of boards and committees.

- a. Board of Adjustment meeting held March 11, 2003.
- b. General Development Committee meeting held February 26, 2003

It was moved by Vice Mayor Kavanaugh, seconded by Councilmember Walters, that receipt of the above-listed minutes be acknowledged.

Carried unanimously.

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

The following members of the Council provided brief updates on various meetings/conferences they attended as follows:

Mayor Hawker	Light Rail Valley Metro Rail Board of Directors Transportation Policy Committee Meeting
Vice Mayor Kavanaugh	Briefing on Light Rail Transit
Councilmember Griswold	Program announcing donation by Southwest Ambulance of an ambulance to Mesa's Sister City in Peru

5. Scheduling of meetings and general information.

Deputy City Manager Paul Wenbert stated that the meeting schedule is as follows:

Thursday, March 27, 2003, 7:30 a.m. – Study Session

Tuesday, April 1, 2003, 5:00 p.m. – Joint Meeting with SRPMIC

Thursday, April 3, 2003, 7:30 a.m. – Study Session

Monday, April 7, 2003, TBA – Study Session

Monday, April 7, 2003, 5:45 p.m. – Regular Council Meeting

Thursday, April 10, 2003, 7:30 a.m. – Study Session

6. Prescheduled public opinion appearances.

There were no prescheduled public opinion appearances.

7. Items from citizens present.

Sheila Mitton, 1615 W. Pueblo Avenue, expressed her appreciation to the staff of Councilmember Jones and Vice Mayor Kavanaugh for their assistance. She also thanked Councilmember Thom for asking good questions. Ms. Mitton stated she had questions to ask the Councilmembers.

Mayor Hawker explained that Ms. Mitton could ask any question, but the Councilmembers could not discuss any item not included on the agenda.

In response to a question from Ms. Mitton, Vice Mayor Kavanaugh responded that the meeting he attended regarding the Light Rail issue was in the form of a briefing from representatives of Valley Metro Rail and City of Mesa internal staff.

8. Adjournment.

Without objection, the Study Session adjourned at 8:30 a.m.

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KENO HAWKER, MAYOR

ATTEST:

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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 20<sup>h</sup> day of March 2003. I further certify that the meeting was duly called and held and that a quorum was present.

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BARBARA JONES, CITY CLERK

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