

# COUNCIL MINUTES

March 1, 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 March 1, 1999 at 4:15 p.m.

## COUNCIL PRESENT

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

## COUNCIL ABSENT

None

## STAFF PRESENT

C.K. Luster  
Kevin Adam  
Vince Anderson  
Joan Baier  
Wayne Balmer  
Neal Beets  
Denise Bleyle  
Jamie Brennen  
Dennis Compton  
Linda Crocker  
Jack Friedline  
Joe Holmwood  
Mike Hutchinson  
Barbara Jones  
Karen Kille  
Wayne Korinek  
Ron Krosting  
Karen Kurtz  
Dorinda Larsen  
Rich Lorig  
Jeff Martin  
Frank Mizner

## STAFF PRESENT (CONT.)

Keith Nath  
Ellen Pence  
Bryan Raines  
Andrea Rasizer  
Tom Remes  
Becky Richardson  
Jenny Sheppard  
Jan Strauss  
Doug Tessendorf  
Mindy White  
Mark Woodward  
Jim Wright

## OTHERS PRESENT

Webb Crockett  
Charlie Deaton  
Paul Gilbert  
Sean Lake  
Others

(Items on the agenda were discussed out of order but for purposes of clarity will remain as listed on the agenda.)

### 1. Review items on the agenda for the March 1, 1999 Regular Council Meeting.

All of the items were reviewed by Council and staff with no formal action taken. There was specific discussion regarding the following agenda items:

#### 8. Considering the following ordinance:

- \*a. Relating to telecommunications; repealing Chapter 14, Title 9, Mesa City Code, amending Title 9 by adding a new Chapter 14, establishing a telecommunications license requirement and providing penalties for violation.

In response to a question from Councilmember Davidson regarding the possibility that a potential conflict of interest may exist, City Attorney Neal Beets recommended that Councilmember Davidson declare a conflict of interest relative to this agenda item.

Councilmember Davidson indicated that he had a potential conflict of interest in connection with the matter currently under discussion which he wanted reflected in the minutes of the meeting and that because of such conflict, he would refrain from discussing and/or participating in any manner in connection with same.

Mayor Brown stated that this item will be removed from the Consent Agenda.

2. Further discussion and consideration concerning a proposed compromise agreement regarding the residential density for County Zoning Case Z98-53 located at the northeast corner of Warner and Mountain Road.

Mayor Brown advised that attorney Webb Crockett, representing General Motors Corporation, is present to speak in opposition to this issue and attorney Paul Gilbert, representing the owner of the property, is present to speak in support of this matter.

Community Development Manager Wayne Balmer provided the Council with a brief history of this issue and advised that the Maricopa County Board of Supervisors will consider this item at their March 8, 1999 meeting at 9:00 a.m.

Mayor Brown commented that the possibility of agreeing to a compromise relative to density levels was discussed at a recent City Council Study Session and reported that the general consensus of the Council was to reject the compromise proposal and adamantly insist that the Maricopa County Board of Supervisors adhere to the density level of zero to one home per acre, as outlined in Mesa's General Plan.

Paul Gilbert, 3200 North Central, Phoenix, informed the Council that the applicant originally requested a total of 280 units, however, in the spirit of compromise, agreed to limit the density level to 195 single-family units, which equates to 2.44 units per acre. Mr. Gilbert stated that his client remains willing to agree to that compromise.

In response to a request from Mayor Brown, Mr. Balmer advised that the previous property owner granted a utility easement to the City based on the fact that the City agreed to provide the owner with water service to the property. Mr. Balmer added that the written agreement was recorded and remains in effect.

City Manager Charles Luster expressed the opinion that the City is committed to honor the terms outlined in the utility easement agreement. Mr. Luster added that the agreement was based on the City's ability to provide the water and stated that the current line does have the capacity to accomplish this feat. Mr. Luster noted that although the easement pertains to water and does not involve sewer service, he believes the applicant has the capability to proceed with a packaged sewer system and would not require City service.

Discussion ensued relative to the fact that the adjacent property owner is currently in the process of installing a packaged sewer system and the applicant may share this system with his neighbor or purchase another, the fact that the City is required to honor the recorded easement and provide water to the property and the fact that the applicant will pursue alternative sewer service should the City deny the applicant's request for that service.

Webb Crockett, 3003 North Central, Phoenix, representing General Motors Corporation, which located the company's Proving Grounds complex in East Mesa, questioned whether the existing easement would allow changes in density and stated the opinion that rural density, with 0-1 homes per acre, is appropriate for that

location. Mr. Crockett stressed the importance of ensuring that high density level residential development does not occur in this area and noted that businesses in the area and Williams Gateway Airport require the City's support in order to develop economically. Mr. Crockett stated the opinion that residential development will result in increased complaints from citizens regarding overflight noise and added that should the requested zoning be approved, precedent will be set and property owners of surrounding parcels will submit similar zoning requests for their properties. Mr. Crockett noted that the completion of the freeway in this area of the City will also enhance economic development and urged the members of the Council to adamantly support the density levels as listed in the City's General Plan.

Councilmember Jaffa concurred with Mr. Crockett's remarks and stated the opinion that higher density levels would negatively impact the economic viability of the area. Councilmember Jaffa recommended that the Council strongly urge the Maricopa County Board of Supervisors to abide by the zoning designation of 0 to 1 unit as outlined in the City of Mesa General Plan, and that in the absence of County cooperation regarding this issue, the City initiate appropriate action to ensure that the density level remains unchanged.

Vice Mayor Giles commented that he has consistently expressed concerns regarding residential development in this particular area of the City and noted that residential development and airports are not appropriate neighbors. Vice Mayor Giles stated the opinion that the fact that the City is required to provide water service and the applicant is not dependent upon the City to provide sewer service, as previously thought, the City's negotiation ability has lessened. Vice Mayor Giles recommended that the applicant be requested to allow an additional continuance on this matter to enable the City Council to consider the new circumstances surrounding this case.

Discussion ensued regarding a possible continuance to allow the Council additional time to consider this issue and to confer with the City Attorney.

Councilmember Pomeroy stated the opinion that the Council should remain consistent and adhere to their previous decision that the density level outlined in the City's General Plan be upheld.

Councilmember Hawker commented that the Council's action on this case will influence the future of Mesa and expressed the opinion that the economic engine for the City will be the Williams Gateway Airport area. Councilmember Hawker noted that he has discussed this matter with City Attorney Neal Beets and added that the General Plan stipulates 0 to 1 unit per acre. Councilmember Hawker stated his intention to support the density level that is outlined in the City's General Plan.

Additional discussion ensued relative to scheduling a Special Council Meeting to convene an Executive Session for the purpose of considering this issue and conferring with the City Attorney.

Mr. Gilbert informed the Council that the applicant is willing to grant another continuance to allow the Mesa City Council additional time to consider this matter.

Following further discussion, Mayor Brown stated that this issue will be placed on the agenda of the upcoming March 11, 1999 Executive Session at 7:00 a.m. and stated that the Council's decision on this matter may be placed on the agenda of a Special Council Meeting immediately following the Executive Session.

Mayor Brown thanked Mr. Gilbert and Mr. Crockett for their input.

Transit Administrator Jim Wright addressed the Council regarding this agenda item and briefly outlined a proposal to initiate a Transportation Reimbursement and Information Project (TRIP) - Enabling Transportation in Mesa. Mr. Wright advised that TRIP has proven to be a successful mobility program for senior citizens in Riverside, California and noted that participants in this mileage reimbursement program are responsible for finding and making arrangements with their volunteer drivers. Mr. Wright expressed the opinion that the proposal will provide an incentive for volunteer drivers to assist eligible seniors in meeting their transportation needs when no other options are available to them.

Mr. Wright informed the Council that volunteers are typically friends or neighbors and said that the participants document their monthly travel miles and submit a request to Mesa Senior Services for reimbursement. Mr. Wright explained that a verification process, performed by Mesa Senior Services, will evaluate the reimbursement request for timely submission, completeness, accuracy and compliance with program policies. Mr. Wright added that in addition to mileage verification, drivers' signatures are affirmed for each individual trip. Mr. Wright said that following the evaluation process, a check is issued to the participant who in turn is charged with the responsibility of reimbursing the volunteer driver.

Discussion ensued relative to the fact that the program will reduce demands for Dial-A-Ride services from senior citizens participating in TRIP and will ultimately enhance Mesa/Chandler/Gilbert's Dial-A-Ride ability to provide service to other customers who have no other mobility resource, the fact that the service will be provided to Mesa residents, the fact that eligible trips will include medical appointments, grocery shopping, and Mesa Senior Center-based trips, the fact that relatives may not participate in the program and the fact that the length of a trip eligible for reimbursement will be limited to 25 miles one way.

In response to a question from Vice Mayor Giles, Mr. Wright advised that anyone over the age of sixty-five years old may participate in the program.

Vice Mayor Giles commented that the current guidelines may not be stringent enough to ensure that abuse does not occur.

Councilmember Pomeroy spoke in support of this program and stated the opinion that TRIP will provide a much needed service to Mesa's senior citizens.

Councilmember Kavanaugh also indicated approval of staff's recommendation and stressed the importance of ensuring that this program is limited to citizens who do not have other forms of transportation.

Councilmember Jaffa requested that he be provided with additional material regarding program auditing and questioned whether the City of Mesa would be placed in a position of liability.

Mr. Wright commented that the actual drivers of the vehicles will assume all liability that the City of Mesa should not be negatively impacted by the program.

City Attorney Neal Beets emphasized that staff is recommending the implementation of a pilot program beginning April 1999 and continuing through June 2000. Mr. Beets added that following a review of the program, staff may recommend revisions to the proposal.

It was moved by Councilmember Pomeroy, seconded by Councilmember Kavanaugh, that staff's recommendation that the City Manager be authorized to enter into an agreement with Mesa Senior Services, Inc., for implementing the Transportation Reimbursement and Information Project (TRIP), be approved.

Carried unanimously.

4. Consider reviewing fees charged at the golf courses.

Councilmember Pomeroy recommended that the current green fees charged at the City's golf courses be reviewed by the Parks and Recreation Board and that Board recommendations be forwarded to the Council for review at a future meeting. Councilmember Pomeroy indicated an interest in developing a fee structure that would reduce fees for Mesa residents and senior citizens while maintaining current revenue levels.

Mayor Brown requested that City Manager Charles Luster forward Councilmember Pomeroy's request to the Parks and Recreation Board.

5. Discuss and consider Federal legislative priorities.

Assistant to the City Manager Jeff Martin and Government Relations Assistant Kevin Adam addressed the Council relative to this agenda item. Mr. Martin advised that he and five members of the Council will be attending the National League of Cities Conference in Washington, D.C. next week and distributed copies of Federal legislative priorities for their review and input.

In response to a request from Councilmember Kavanaugh, Mr. Martin indicated that he will research the status of Federal legislation regarding group homes in neighborhoods.

Mr. Adam discussed staff's recommendation that the City of Mesa support two transit funding requests from the Regional Public Transportation Authority (RPTA). Mr. Adam advised that the funding requests include: 1) \$10 million for FY 2000 to complete final design and to cover the cost of additional land acquisition for the Central Phoenix/East Valley Light Rail Transit Project; and 2) \$18.43 million for FY 2000 for the regional bus system and related facilities to include \$12.23 million for buses, \$3.2 million for a transit center, and \$3 million for transit management systems.

Mr. Adam also briefly highlighted the contents of an Air Transportation Improvement Act, which provides capital improvement grants to airports, and noted that reauthorization of the bill, which has resulted in approximately \$6 million a year in grants to Williams Gateway Airport, will more than likely result in an additional \$6 million grant this year.

Mr. Adam also discussed airport staff's concerns regarding the possibility of reductions in the U.S. Department of Commerce budget that would impact Economic Development Administration (EDA) grant programs. Mr. Adam explained that Williams Gateway Airport has relied upon EDA funding for numerous projects since the transfer of the property from the Air Force, including \$4 million for the extension of Sossaman Road. Mr. Adam emphasized the importance of discussing the importance of the EDA grant program for the Airport and requesting the delegation's assistance regarding a preliminary application that was recently submitted to the EDA to fund the second phase of the Sossaman Road extension.

Mr. Adam reported that Williams Gateway Airport was recently awarded a \$217,000 Federal Aviation Authority (FAA) Part 150 grant to study noise impacts and abatement issues in the vicinity of the airport.

Councilmember Jaffa commented on the extensive costs associated with the completion of Williams Gateway Airport and recommended that the City of Mesa request assistance from their congressional delegation in securing Federal funds to accelerate the completion of the airport.

Mayor Brown also suggested that the issue of a proposed cargo airport in the Gila Bend area also be addressed with the delegation.

Mr. Martin expressed the opinion that Councilmember Jaffa's recommendation constitutes a policy issue and should be placed on the agenda of a future Williams Gateway Airport Board meeting.

Mr. Martin briefly discussed electric utility deregulation and stated that Federal legislation has been proposed by Congressman Hayworth that would remove existing limits on the sale of electricity to private power users by municipally owned utilities which have utilized tax-exempt municipal bonds for their utility. Mr. Martin stressed the importance of endorsing this legislation and expressed concern regarding the possibility of amendments to the legislation which would negatively impact the City.

Mr. Martin addressed the issue of Federal mandates and recommended that the Council express their support for proposed legislation which will assist in limiting the amount of Federal mandates.

Mayor Brown thanked Mr. Martin and Mr. Adam for their presentation.

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

Councilmember Davidson commented on his recent participation in a bicycle race and Councilmember Kavanaugh discussed his attendance at the Highland Games, a major tourist event.

Mayor Brown stated that a number of Councilmembers joined him at the opening celebration of the Red Mountain Multigenerational Facility.

Councilmember Jaffa discussed his attendance at a recent meeting held at Sunland Village East to discuss overflight noise from Williams Gateway Airport.

7. Scheduling of meetings and general information.

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

Wednesday, March 10, 1999, 5:00 p.m. – Police Committee

Thursday, March 11, 1999, 7:00 a.m. – Special to convene an Executive Session

Thursday, March 11, 1999, 8:00 a.m. – Council Study Session

Monday, March 15, 1999, 3:00 p.m. – General Development Committee

Monday, March 15, 1999, 5:45 p.m. – Regular Council Meeting

8. Prescheduled public opinion appearances (prescheduled appearances will begin after the preceding scheduled agenda items, which should be about 5:30 p.m.; there will be a maximum of three speakers for three minutes per speaker).

Mayor Brown advised that there were no prescheduled public opinion appearances.

9. Adjournment.

Without objection, the Study Session adjourned at 5:36 p.m.

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WAYNE BROWN, 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 1st 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

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BARBARA JONES, CITY CLERK