



UTILITY COMMITTEE MINUTES

August 21, 2000

The Utility Committee of the City of Mesa met in the lower level meeting room of the Council Chambers, 57 East 1st Street, on August 21, 2000 at 3:30 p.m.

COMMITTEE PRESENT

Mike Whalen, Chairman
Bill Jaffa
Claudia Walters

COUNCIL PRESENT

Jim Davidson

OFFICERS PRESENT

Mike Hutchinson

COMMITTEE ABSENT

None

1. Discuss and consider modifications to Title 8, Chapter 3 of the Mesa City Code relating to solid waste management.

Solid Waste Management Director Kari Kent provided the Committee with a brief overview of this agenda item. Ms. Kent highlighted some of the proposed modifications to Title 8, Chapter 3 of the Mesa City Code including: modification of the title of Public Works Manager to Developmental Services Manager; clarification that garbage must be bagged and tied prior to disposal in refuse containers; clarification that dangerous or hazardous waste is prohibited in solid waste containers unless specifically permitted by the Arizona Department of Environmental Quality or the Environmental Protection Agency; modification of the list of acceptable recyclable materials in the City's Blue Barrel Program; revocation of commercial haulers' permits for 12 months if a hauler is found to have three civil violations in a six-month period pursuant to the Mesa City Code; the inclusion that containers should be placed out for curbside collection no later than 6:00 a.m. on the designated collection days, and the inclusion of acceptable material in the Residential Green Waste Recycling Program.

Discussion ensued relative to the proper disposal of cacti, fruits and vegetables, diapers and pet waste.

In response to a question from Committeemember Walters, Ms. Kent explained that the Solid Waste Department has embarked on a multi-tiered informational program (neighborhood inspections, newspaper ads, billing inserts and Public Service Announcements on Mesa Channel 11) in an effort to educate City residents with regard to a wide array of recycling programs.

Committeemember Walters expressed appreciation to Ms. Kent for her presentation.

Further discussion ensued relative to the inclusion of all plastic bottles, jugs and jars as examples of appropriate recyclable materials.

Committeemember Jaffa thanked Ms. Kent for the efforts of the Solid Waste Department to educate the public relative to the various recycling programs offered by the City.

In response to a question from Chairman Whalen relative to House Bill 2387, Ms. Kent clarified that the Department has implemented a multi-use campaign to apprise commercial customers, including businesses, mobile home parks and apartment complexes, of the City's commercial and industrial solid waste program. Ms. Kent noted that the City is vying for customers with approximately 12 competitors.

Discussion ensued relative to measures in place to enforce the bag and tie program including radio and TV spots, billboards and educational flyers.

It was moved by Committeemember Walters, seconded by Committeemember Jaffa, to recommend to the Council that the modification of Title 8, Chapter 3 of the Mesa City Code, be approved as recommended by staff.

Carried unanimously.

2. Discuss and consider the City policies regarding the construction of fountains/water features.

City Manager Mike Hutchinson and Utilities Manager Dave Plumb addressed the members of the Utility Committee relative to this item. Mr. Hutchinson explained that in 1983, the City of Mesa adopted a policy relating to water features in an effort to encourage water conservation in new building developments. Mr. Hutchinson stated that the City has received complaints from architects and developers with regard to the restrictiveness of the policy due to the prohibition of spray fountains and also the requirement that the water in a fountain shall not fall more than 24 inches.

Mr. Plumb provided the Committee with a comparison of water feature requirements implemented by other metropolitan Phoenix cities. Mr. Plumb commented that the City of Mesa currently has a somewhat liberal water feature policy and that staff is requesting input from the Utility Committee whether the current policy is appropriate or too restrictive.

Mr. Hutchinson introduced Bob Saemisch, 48 West Main Street, an architect with Saemisch, DiBella & Murphy, and Arthur Hines, 4905 West Falcon Field Drive, a representative of Southwest Aquatics. Mr. Saemisch discussed his firm's recent attempts to include spray fountains and Spanish fountains at the Dana Park subdivision which were rejected by the Design Review Board due to the City's current water feature policy. Mr. Saemisch also commented that esthetically speaking, water features should be in proportion to the size of the proposed development. Mr. Hines expressed the opinion that when water fountains are properly constructed with appropriate wind shut-off valves and other necessary features, that the issue of water conservation is addressed.

Committeemember Walters expressed the opinion that she favors modifications to the current policy that would include ornamental fountains, catchbasins to maximize recycled make up water, designs to minimize

leaks, wind shut-off valves and also fountains that are visible from the street. Committeemember Walters also requested recommendations from staff relative to this issue.

Committeemember Jaffa indicated that he had a potential conflict of interest in connection with the matter now under discussion which he wanted reported 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.

Vice Mayor Davidson cautioned the Utility Committee to take into account the extensive work of the Engineering Department with regard to the City's efforts to ensure water conservation.

Chairman Whalen instructed staff to provide to the Utility Committee an updated version of Mesa's current water feature policy and also stressed that staff adhere to strict water conservation measures.

Chairman Whalen thanked staff, Mr. Saemisch and Mr. Hines for their presentations.

3. Discuss and consider a request from Mr. Jaworowski concerning City development requirements.

Jeff Welker, Development Services Administrator, and Betty Hughes-Ornelas, City Plans Examiner, addressed the Utility Committee relative to this agenda item. Mr. Welker explained that Mr. Jaworowski contacted staff when he became aware that the new Madrid subdivision, which is located immediately west of his property, was extending a new public sewer mainline to his area and that he inquired as to what would be required for connection to City utilities. Mr. Welker stated that Mr. Jaworowski is objecting to the specific Development Agreement which would obligate him and any subsequent owners of the property to financially participate in the future cost of required improvements within all public rights-of-way adjoining and/or adjacent to said property.

Mr. Welker further commented that the subject property has dedicated rights-of-way on all three sides (East McDowell Road, East Culver Street and North 90th Street). Mr. Welker explained that in an effort to minimize Mr. Jaworowski's financial commitment, staff evaluated the feasibility of abandoning either the East Culver or the North 90th Street alignments; however, while the 90th Street alignment is the most likely candidate for abandonment, due to adjacent parcel configurations and existing public water mainline locations, staff does not currently support making such a recommendation.

In response to a question from Committeemember Walters, Mr. Welker clarified that granting a utility easement on 90th Street would be a possible solution, but indicated that staff is awaiting the completion of a transportation study to determine if 90th Street will serve as an outlet road.

Committeemember Jaffa expressed the opinion that relative to the Desert Uplands, relaxation of development standards may be appropriate. Committeemember Jaffa also requested additional input from staff with regard to minimum development standards.

Discussion ensued relative to the fact that Mr. Jaworowski agreed to future annexation of his property by the City; the fact that Mr. Jaworowski's estimated share of the assessments of the future public rights-of-way would total approximately \$193,000.

Committeemember Jaffa expressed the opinion that with regard to McDowell Road, he would be in favor of Mr. Jaworowski's dedication of an additional 25 feet of right-of-way and that the City would absorb the road-improvement costs.

Further discussion ensued relative to the fact that from a traffic standpoint, staff would prefer to abandon Culver due to its entrance onto McDowell Road which creates visibility hazards.

In response to a question from Committeemember Jaffa, Mr. Welker explained that staff is currently preparing a report for the Utility Committee to present at next month's meeting which will provide more definitive information with regard to ingress and egress issues on 90th Street, potential abandonment of 90th Street, the desires of the property owners to the south of the subject property and also an analysis of a transportation study.

Committeemember Jaffa spoke in support of a continuation of this matter to enable staff to gather additional information. Committeemember Jaffa also expressed the opinion that due to the fact that Mr. Jaworowski is the owner of property that fronts McDowell Road, which is a vital roadway to the City, that perhaps special circumstances may apply in this specific case; however, due to the fact the sewer would be extended from a sewer line under construction by the Madrid subdivision, he would agree to a continuation of such matter.

Chairman Whalen expressed concern relative to abandonment of 90th Street, but spoke in support of the Culver Street realignment.

In response to a question from Committeemember Walters, Mr. Welkers clarified that if Mr. Jaworowski does not agree to the conditions of the City's Development Agreement, alternative options to obtain water would include the drilling of a well or hauling water onto the property.

Committeemember Walters concurred with Committeemember Jaffa relative to a continuation of this matter.

Jaroslav and Katarzyna Jaworowski addressed the Committee and requested an exception to the terms of the Development Agreement and also stated that the potential costs imposed by the City would equal three times the value of the property.

Chairman Whalen emphasized to staff that it is imperative that the Utility Committee be provided with supplemental information in an effort to arrive at a fair and equitable decision.

It was moved by Committeemember Walters and seconded by Committeemember Jaffa that this matter be continued.

Carried unanimously.

It was moved by Committeemember Jaffa, seconded by Committeemember Walters, that the Utility Committee Meeting adjourn at 4:55 p.m.

Carried unanimously.

Utility Committee Meeting
August 21, 2000
Page 5

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the Utility Committee Meeting of the City of Mesa, Arizona, held on the 21st day of August, 2000. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this ____ day of _____ 2000

BARBARA JONES, CITY CLERK