

COUNCIL MINUTES

November 1, 1996

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 November 1, 1996 at 7:30 a.m.

COUNCIL PRESENT

Mayor Wayne Brown
Pat Gilbert
John Giles
Dennis Kavanaugh
Wayne C. Pomeroy
Jim Stapley

COUNCIL ABSENT

Joan Payne

STAFF PRESENT

C.K. Luster
Pauline Backer
Joan Baier
Stephen Baker
Wayne Balmer
Dorothy Chimel
Richard Clore
Fred Conway
Mark Coon
Linda Crocker
Kim Fallbeck
Joe Holmwood
Mike Hutchinson
Lars Jarvie
Barbara Jones
Bob Jorgensen
Jim Hull
Harry Kent
Karen Kille
Karl Kohlhoff
Wayne Korinek
Larry Lines
Rich Lorig
Greg Marek
Jeff Martin

STAFF PRESENT (CONT.)

Frank Mizner
John Oliver
Ellen Pence
Bill Petrie
Bryan Raines
Tom Remes
Regan Robbins
Denise Samuel
Doug Tessendorf
Debbie Vickman
Roger Weber
Mindy White
Others

OTHERS PRESENT

Bill Brando
Brad Gair
Cliff Harris
Larry Landry
Chris Moeser
Dan Nowicki
Others

Mayor Brown excused Councilmember Payne from the meeting.

1 Hear and discuss a proposal for an expansion of the Picacho Reservoir on the City of Mesa water farm in Pinal County.

Assistant City Manager Mike Hutchinson informed the Council that staff has been working with Pinal County officials regarding a proposal from the County to lease a portion of the acreage on

the City of Mesa water farm for the purpose of developing a new lake on that site. Mr. Hutchinson indicated that staff is providing this information to the Council for informational purposes and no action is necessary at this time. Mr. Hutchinson said that staff will continue to work with Pinal County officials regarding the development of a land-lease proposal and will update the Council on the status of the proposal upon completion of the lease. Mr. Hutchinson informed the Council that Larry Landry of Landry & Associates and Brad Gair, Director of the Pinal County Department of Civil Works, will provide detailed information on the project.

Mr. Gair briefed the Council on the history of the Picacho Reservoir and its current and future use. Mr. Gair stated that Pinal County performed a feasibility study relative to restoring water capacity within the existing reservoir. Mr. Gair noted that the study indicates the restoration is not feasible for two reasons: 1) dredging is very expensive; and 2) Picacho Reservoir has become an important wetland riparian habitat. Mr. Gair noted that there are one hundred different species of birds at the reservoir, eight of which are threatened or endangered species.

Mr. Gair informed the Council that the first component of the proposal is to create a new recreational lake on 650 acres; 450 of which would be leased from the City of Mesa and 200 remaining acres owned by the State Land Trust. Mr. Gair explained that Pinal County has submitted a sales application to the State Land Department and anticipates that the sale would be completed by late 1997. Mr. Gair stated that the recreational lake would be located on land west of the existing reservoir. Mr. Gair indicated that the second component of the proposal is the conversion of the existing reservoir into an enhanced riparian habitat and preserve. Mr. Gair noted that Pinal County received a grant last year for \$2.5 million to enable them to put Central Arizona Project (CAP) water into the reservoir.

Mr. Gair notified the Council that the total cost of the project is estimated between \$4 to \$6 million. Mr. Gair explained that in order to receive funding assistance, the project must include a recreational component and noted that the lake would qualify as an appropriate recreational element. Mr. Gair stated that a grant, in the amount of \$2 million, was awarded for the first phase of the project, but added that the funds can not be utilized until land rights negotiations have been completed. Mr. Gair discussed approximate timetables for the project and the County's intention of opening the facility in early 1999.

In response to a question from City Manager Charles Luster, Mr. Landry stated that the land would be leased rather than sold to ensure that the City maintains water rights.

Council expressed their appreciation to staff and Pinal County for their efforts on the project.

In response to a question from Councilmember Giles, Real Estate Services Director Doug Tessendorf stated that a portion of the land is currently farmed for cotton. Mr. Tessendorf informed the Council that the City receives income from the farm based on crop production, and added that the proposed land use will result in an increased lease income.

In response to a question from Councilmember Stapley, Mr. Luster stated that staff has not identified any disadvantages in proceeding with this project.

Mayor Brown commented that the City will maintain water rights and expressed the opinion that the proposal represents a positive cooperative opportunity for the City of Mesa and Pinal County.

Mayor Brown thanked Mr. Gair and Mr. Landry for attending the meeting and providing Council with an overview of the project.

2. Reconsideration of Z96-85, the northwest corner of Crismon and Pueblo.

Vice Mayor Gilbert informed the Council that he has discussed concerns relative to the case with the applicant. Vice Mayor Gilbert advised that he recommended to the applicant that the case be continued to allow additional time for the applicant to address previously noted concerns. Vice Mayor Gilbert added that the applicant would then have an opportunity to re-present the case to the Council.

In response to questions from Councilmember Giles, Community Development Manager Wayne Balmer stated that the applicant is willing to delete the smallest home, consisting of 872 square feet, from the proposed plan. Mr. Balmer reported that the two remaining homes range in size from 1100 to 1300 square feet. Mr. Balmer added that the builder is agreeable to creating additional amenities and may propose a third model which would be larger than 1000 square feet.

Mr. Balmer commented that if the Council decides to reconsider this project, staff would place the issue on the agenda for re-introduction later this month. Mr. Balmer noted that the case does not have to be reheard by the Planning and Zoning Board.

It was moved by Vice Mayor Gilbert, seconded by Councilmember Stapley, that Zoning Case Z96-85, the northwest corner of Crismon and Pueblo, be reconsidered.

Upon tabulation of votes, it showed:

AYES - Brown-Gilbert-Giles-Pomeroy-Stapley
NAYS - Kavanaugh
ABSENT - Payne

Mayor Brown declared the motion carried by majority vote of those present.

3. Appointments to boards and committees.

Mayor Brown recommended the following appointment to Boards and Committees:

INDUSTRIAL DEVELOPMENT AUTHORITY

Brook DeWalt - term ending May 16, 2002

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

Mayor Brown declared the motion carried unanimously by those present.

4. Acknowledge receipt of minutes of meetings of various boards and committees.

- a. Housing and Human Services Advisory Board meeting held October 17, 1996.

It was moved by Councilmember Stapley, seconded by Councilmember Giles, that the above listed minutes be acknowledged.

Mayor Brown declared the motion carried unanimously by those present.

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

There were no reports on meetings and/or conferences attended at this time.

6. Scheduling of meetings and general information.

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

Monday, November 4, 1996, 5:30 p.m. - Regular Council Meeting

Wednesday, November 6, 1996, 7:30 a.m. - Police Committee

Thursday, November 7, 1996, 4:00 p.m. - Policy Session

Thursday, November 7, 1996, 7:00 p.m. - Smoking Forum

Friday, November 8, 1996, 7:30 a.m. - Study Session

Friday, November 8, 1996, 9:00 a.m. - ASU East Dedication

Saturday, November 9, 1996, 10:00 a.m. - Veterans Day Parade

7. Review items on the agenda for the November 4, 1996 Regular Council Meeting.

All of the agenda items were reviewed among the Council and staff, with no formal action taken. There was particular discussion with regard to the following agenda items:

4. Consider the following liquor license applications:

- *a. ROBERT FERRARO, AGENT

New Beer and Wine Store License for On the Run A5Y, 1210 S. Higley Road. This is an existing business, no previous liquor licenses at this location.

*b. ROBERT FERRARO, AGENT

New Beer and Wine Store License for On the Run AOV, 5958 E. McKellips Road. This is an existing business, no previous liquor licenses at this location.

*c. ROBERT FERRARO, AGENT

New Beer and Wine Store License for On the Run A3R, 1221 N. Recker Road. This is an existing business, no previous liquor licenses at this location.

*d. ROBERT FERRARO, AGENT

New Beer and Wine Store License for On the Run ADJ, 1961 S. Val Vista Drive. This is an existing business, no previous liquor licenses at this location.

Councilmember Stapley stated opposition to the selling of alcohol and gasoline in the same establishment and requested that the above listed agenda items be removed from the consent agenda.

Mayor Brown stated that agenda items 4a through d would be removed from the consent agenda.

5. Consider the following contracts:

*e. 34 modular employee workstations, a copy center work station, and 37 replacement chairs as requested by the Police Department for their Records Division.

Council is requested to authorize purchase from the State of Arizona contract with Goodman's Inc. for a total of \$92,274.50 including materials, design services, delivery, installation and applicable sales tax.

In response to questions from Mayor Brown, Assistant Police Chief Fred Conway spoke regarding the proposed purchase of new work stations. Assistant Chief Conway stated that the Police Department is in the second phase of the main headquarters remodeling project. Assistant Chief Conway indicated that the new workstations will be placed in the records section to assist in improving the efficiency of the work area.

*i. One year supply contract for 200 Fujitsu Portable Computers for Police On Line Automated Reporting Information System/Automated Report Writing System (POLARIS/ARWS) as requested by the Information Services Division (ISD).

Assistant Chief Conway indicated that this request accommodates three different needs: 1) to completely outfit the sixty-six sworn positions authorized in this year's budget; 2) to expand the notebook program to detectives in both CID and SID during the 1997-1998 budget; and 3) to provide necessary equipment in anticipation of additional Police Department personnel as a result of the awarding of Law Enforcement Block Grant funds.

In response to questions from Councilmember Stapley, Assistant Chief Conway and Police Information Systems Supervisor Roger Weber stated that the funds would be distributed between the 1996-1997 and 1997-1998 budgets with the majority of the funds to be spent during the 1997-1998 budget year. Mr. Weber indicated that the cost of \$2,500 per unit reflects a \$1,300 savings compared to the cost of the same product earlier this year.

In response to questions from Vice Mayor Gilbert and Councilmember Giles, Mr. Weber indicated that the technology meets staff's expectations. Mr. Weber stated that they are currently three to five months behind schedule due to enhancements. Mr. Weber emphasized that WordPerfect will remain a necessary software for the officers.

Mayor Brown thanked Assistant Chief Conway and Mr. Weber for their report.

- *j. 110 CNG conversions for various City vehicles as requested by Fleet Support Services.

The Purchasing Division recommends authorizing purchase from the State of Arizona contract with North American Fleet Services for conversion costs totaling \$491,647.21 including materials, labor and applicable taxes.

In a response to a question from Mayor Brown, Mr. Luster noted that the City is required by State law to convert to Compressed Natural Gas (CNG). Fleet Support Services Superintendent Mark Coons indicated that 25 percent of the City's vehicles must be converted to CNG by the end of the year and reported 22 percent of this requirement has been met as of this date.

Mayor Brown thanked Mr. Coons for his input.

- 8. Consider the following appeal of a Board of Adjustment decision:
 - a. **BA96-35** 2350 North Hall Circle. Requesting a variance to allow a detached accessory building to be placed in front of the front line of an existing single residence in the R1-43 district.

In response to questions from Councilmember Giles, Mr. Luster stated that referring this case back to the Board of Adjustment has been discussed but said that no decision has been made. Mr. Luster indicated that staff has received a new proposal from the applicant and added that details will be discussed at the Monday, November 4, 1996 Regular Council Meeting.

Councilmember Stapley 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. (See agenda item 9b for additional discussion.)

- 9. Consider the following items from the Planning and Zoning Board and possible adoption of the corresponding ordinances:
 - b. **Z96-39** The northeast corner of McKellips Road and Harris Drive. Rezone from AG to R1-9 (47.1 acres). This case involves the development of a

conventional 108 lot residential subdivision. Barney Trust, Hansen Trust, Jarvis Trust, Brown, & Harper's Nursery, owners; Metropolitan Land Co., applicant. A 3/4 VOTE IS REQUIRED TO APPROVE THE APPLICANT'S REQUEST. THIS CASE WAS CONTINUED FROM THE OCTOBER 21, 1996 CITY COUNCIL MEETING.

Mr. Balmer informed the Council that discussions have occurred between the applicant and the neighbors relative to this case. Mr. Balmer stated that three signatures have been withdrawn from the petition submitted in opposition to the case but added that a 3/4 vote is still required. Mr. Balmer indicated that the applicant has reached an agreement with neighbors relative to several of their concerns.

Discussion ensued regarding the current versus the original number of lots, lot sizes, traffic safety, and the concerns of residents on Kael Street.

In response to concerns from Mayor Brown and Councilmember Giles, Public Works Manager Harry Kent explained that he has spoken to Mr. Shoemaker, the father of a child who was recently involved in a traffic fatality on Harris Street. Mr. Kent said that Mr. Shoemaker has submitted a letter regarding traffic safety issues requesting that the City: 1) complete the widening of Harris Street from Lockwood to Hermosa Vista on the east side at the City's expense; and 2) require full width streets instead of half width streets in all future subdivisions. Mr. Kent stated that he informed Mr. Shoemaker that staff would review the request and present it to the Traffic Safety Committee.

In response to a question from Councilmember Stapley, Councilmember Giles stated the opinion that although he has relatives residing within the neighborhood under discussion, he does not believe a conflict of interest exists.

Mayor Brown requested that Councilmember Giles and Councilmember Stapley contact City Attorney Neal Beets for an opinion relative to potential conflicts of interest.

- c. **Z96-84** The 2200 block of North Val Vista Drive (west side). Rezone from R1-35 to R1-35-PAD (19.8 acres). This case involves the development of a single residence subdivision. Avalon Grove L.L.C., owner; Todd Tucker, applicant. CONTINUED FROM THE OCTOBER 21, 1996 CITY COUNCIL MEETING.

Mr. Balmer indicated that the original petition has been withdrawn and replaced with a new petition from the neighbors to the west of the property. Mr. Balmer advised that a 3/4 vote will be required.

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

There were no prescheduled public opinion appearances.

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

There were no items from citizens present.

10. Adjournment.

It was moved by Councilmember Stapley, seconded by Vice Mayor Gilbert, that the Study Session adjourn at 8:21 a.m.

Carried unanimously.

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 1st day of November, 1996. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 21st day of November 1996

BARBARA JONES, CITY CLERK