

# COUNCIL MINUTES

March 28, 2002

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 28, 2002 at 7:30 a.m.

## COUNCIL PRESENT

Mayor Hawker  
Jim Davidson  
Bill Jaffa  
Dennis Kavanaugh  
Pat Pomeroy  
Claudia Walters  
Mike Whalen

## COUNCIL ABSENT

None

## OFFICERS PRESENT

Mike Hutchinson  
Debbie Spinner  
Barbara Jones

### 1. Review items on the agenda for the April 1, 2002 Regular Council Meeting.

Mayor Hawker declared potential conflicts of interest on agenda item 4f (Val Vista Drive Improvements, McDowell Road to South Canal. City of Mesa Project No. 00-44), 4g (Ellsworth Road Sewer Line, University Drive to Baseline Road, and Ellsworth Road Water Line, Broadway Road to Baseline Road. City of Mesa Project No. 01-35-2) and 4h (Desert Well No. 12. City of Mesa Project No. 02-43), and said he would refrain from discussion/participation on these items.

Councilmember Whalen declared a potential conflict of interest on agenda item 6c (Authorizing the City Manager or his designee to prepare, sign and submit applications to receive entitlement funds under the Housing and Community Development Act of 1974 as amended, the Stewart B. McKenney Homeless Assistance Act of 1987, as amended, and the National Affordable Housing Act of 1990, all as amended, and said he would refrain from discussion on this item.

Mayor Hawker advised that agenda item 8 will be removed from the consent agenda.

### 2. Hear a presentation, discuss and consider the Spook Hill Area Drainage Master Plan.

Civil Engineer Anna Leyva-Easton, Bill Puffer, Chairman of the Spook Hill Area Drainage Master Plan Citizen Committee, and Afshin Ahouraiyan, Project Manager of the Maricopa County Flood Control District, addressed the Council relative to this agenda item. Ms. Leyva-Easton explained that the purpose of today's presentation is to provide the Council with an update regarding the Citizen Committee's recommended drainage alternative for the Spook Hill Area Drainage

Master Plan. She also stated that it is the recommendation of staff that the Council approve the Committee's recommendation to proceed forward with the Red Alternative, as modified, and that Council's recommendation be forwarded on to the Flood Control District.

Mr. Puffer referred to graphics displayed in the Council Chambers and provided a brief chronology of the Spook Hill Area Drainage Master Plan. He reported that in 1987, the District prepared a master plan for the area, but that the plan was never approved or implemented; that with escalating residential development in the surrounding area, drainage conditions have deteriorated; that in 1999, the City requested that the County update the previous master plan, and that in August 2001, the Flood Control District and City staff conducted a public meeting to present various drainage alternatives under consideration to Mesa residents. He noted that as a result of the overwhelming public response, the City Council appointed an 11-member Citizen Committee to oversee the development of new flood control alternatives for the area northeast of the Central Arizona Project (CAP) Canal.

Mr. Puffer explained that the Committee, in conjunction with City staff and the Flood Control District, was charged with developing drainage alternatives that meet the following criteria: 1. Do not impact Uesry Park; 2. Do not displace citizens or businesses; 3. Provide maximum flood protection, and 4. Develop cost-effective solutions. He said that the Committee held six meetings between September 2001 and February 2002 to gain a working knowledge of hydrologic/hydraulic principles, become familiar with the study area's facilities, constraints and problems; develop and review drainage alternatives; present the drainage alternatives to the public, and to select a recommended drainage alternative. Mr. Puffer advised that as a result of the Committee's input, staff developed 13 drainage alternatives, and the Committee recommended that four structural alternatives be presented to the public.

Mr. Puffer commented that the January 10, 2002 public meeting garnered a wide array of citizen comments, and added that at its February 2, 2002 meeting, the Committee discussed/evaluated the public responses and unanimously selected the Red Alternative as its recommended drainage alternative with the following modifications: Exclude the open channel (Channel P) along the east side of Boulder Mountain; include storm drain facilities on Hermosa Vista Drive and Hawes Road to alleviate local flooding problems, and include nonstructural recommendations (enforcement, maintenance, education). Mr. Puffer displayed a map of the Committee's alternative (See Attachment 1.) and briefly detailed the area.

Mr. Puffer thanked the Council for providing the Committee with the opportunity to participate in the selection process. He also acknowledged staff and the Committeemembers who were present in the audience for their efforts and hard work.

Councilmember Kavanaugh expressed support for the recommendation of the Committee and thanked Maricopa County Supervisor Don Stapley, Mayor Hawker and Councilmember Jaffa for encouraging the establishment of a Citizen Committee relative to this issue.

Vice Mayor Davidson commended Mr. Puffer for his informative presentation.

In response to a series of questions from Vice Mayor Davidson, Mr. Ahouraiyan clarified that although the County is supportive of the Committee's recommended alternative, due to the elimination of Channel P, the plan will not provide sufficient flood protection to residents east of

Ellsworth Road; the fact that a petition was signed by the residents of the Boulder Mountain community expressing their opposition to the construction/reconstruction of an open channel along the eastern border of the subdivision; the fact that in order to maintain adequate flood protection in the area of the Boulder Mountain subdivision, it would be necessary to locate a channel within Usery Park which would violate the Committee's criteria, and the fact that if Channel P was constructed, it could potentially cause damage to the adjacent neighborhoods.

Vice Mayor Davidson requested that staff research whether Council approval of the Committee's drainage alternative would ultimately waive the City's rights to request assistance from the Federal Emergency Management Agency (FEMA) in the event of flooding and property damage in the Boulder Mountain subdivision. He added that he is hopeful that the City will receive input and guidance from the County in an effort to balance the opinions of the Boulder Mountain subdivision residents who are opposed to the construction of an open channel adjacent to their neighborhood.

In response to Vice Mayor Davidson's comments, Mr. Puffer commented that the members of the Committee share many of his same concerns regarding potential liability issues if flooding were to occur in the Boulder Mountain area.

Discussion ensued relative to the manner in which flood control projects are prioritized to receive funding through the Flood Control District; the engineering complexity of beginning the construction of the drainage alternative downstream and subsequently proceeding upstream, and the acquisition of adjacent properties to be utilized for retention basins and channel sites.

Vice Mayor Davidson commented that in the March 2000 City election, Mesa citizens rejected the City's request for the issuance of storm water bonds and added that Mesa's storm water infrastructure has not been given the attention it deserves.

City Manager Mike Hutchinson advised the Council that staff is considering various options to address the County's lack of funding for the acquisition of land and also to secure the necessary rights-of-way for the recommended drainage alternative.

In response to a question from Councilmember Whalen, Ms. Leyva-Easton advised that only a 30-foot tract exists between the walls of the homes in the Boulder Mountain subdivision and Usery Park. She added that because rock hammers would be used to dig through the existing bedrock to construct the open channel, the resulting vibration would potentially cause structural damage to the existing homes and swimming pools and would also result in a lengthy disruption to the residents in the area.

Further discussion ensued relative to the phasing of the drainage alternative project; the lack of available funding through the County; the fact that the County has currently identified \$500 million worth of infrastructure in the East Valley alone that requires funding, and the fact that staff is attempting to respond to all of the written questions posed by citizens during the public hearing process.

In response to a question from Councilmember Walters, Tim Phillips, a representative of the Maricopa County Flood Control District, advised that the County is not legally prohibited from

going into Usery Park, and added that the County currently has several facilities within the park in conjunction with the Pass Mountain Diversion.

Councilmember Walters noted that due to the fact the drainage alternative will not be constructed for a minimum of ten years, she suggested that consideration be given to the phasing in of a creatively designed open channel in Usery Park to not only ensure adequate flood control protection, but also to diminish the negative visual impact.

Mr. Ahouraiyan assured the Council that the alternative that is ultimately selected will be aesthetically pleasing and blend into the environment.

Councilmember Jaffa declared a potential conflict of interest with regard to this agenda item and said he would refrain from discussion/participation on this item.

In response to a series of questions from Vice Mayor Davidson relative to residential developers incorporating flood control protection into their designs, City Engineer Keith Nath clarified that Mesa adopted a uniform drainage standard that the County and other municipalities developed on a collective basis. He explained that problems arise due to a lack of expertise among the consultant community who are hired by a developer's engineer to properly identify off-site loads and various drainage conditions. Mr. Nath added that it is the intent of staff to more diligently monitor such analyses, but at the present time, limited staffing precludes such endeavors.

Vice Mayor Davidson stated the opinion that the Council should give consideration to the above-referenced lack of staffing during the upcoming budget hearings.

Councilmember Whalen requested that staff research whether the City could be released from liability if flooding were to occur in the Boulder Mountain subdivision due to the fact the residents expressed opposition to the construction of an open channel along the eastern border of the subdivision.

In response to Councilmember Whalen's comments, Councilmember Kavanaugh stated that it would be difficult to limit the liability of future property owners in the Boulder Mountain subdivision.

It was moved by Councilmember Kavanaugh, seconded by Councilmember Whalen, that the recommendation of the Citizen Committee to proceed with the Red Alternative, as modified, be approved.

In response to a question from Mayor Hawker, Mr. Puffer explained that if the cost of the Red Alternative could not be fully funded, the Committee also recognized that the Green Alternative provided flood protection for the area west of Ellsworth Road, but not to the east. He noted that the Committee was charged with selecting an option which would provide maximum flood protection to the entire area.

Additional discussion ensued relative to the fact that the Flood Control District will host a public meeting next month to present the Committee's recommended drainage alternative to Mesa citizens and to solicit their input/suggestions; the fact that County staff will seek the approval of

the Flood Control Advisory Board regarding the drainage alternative, and the fact that the purpose of today's presentation is to present the findings of the Committee to the Council to enable the Flood Control District to complete its study, and to seek Council adoption of the master plan at a future Council meeting.

Councilmember Kavanaugh withdrew his motion and Councilmember Whalen withdrew his second to the motion.

In response to a question from Councilmember Whalen, Planning Director Frank Mizner clarified that staff has not addressed the areas of acquisition in the updated General Plan. He added that if the City is proposing to set aside areas for large retention basins, this action is not impossible, but it is somewhat late in the process to be incorporating items into the General Plan.

Mayor Hawker thanked everyone for the presentation.

3. Discuss and consider conversion of alley garbage collection service to curbside collection service.

Acting Solid Waste Management Director Tim Mahon and Operations Research Analyst Pete Klimoski addressed the Council relative to this agenda item. Mr. Mahon provided a brief chronology relative to alley garbage collection service within the City. He explained that the purpose of today's presentation is to seek Council approval for the Solid Waste Division to proceed with the conversion of 5,896 solid waste customers' alley garbage collection service to curbside collection service, as well as to seek Council approval to obtain 75% agreement to convert any interested customers from alley to curbside collection earlier than their scheduled conversion date.

Mayor Hawker advised Mr. Mahon that due to time constraints this morning, a detailed presentation is unnecessary and that staff appears to have the concurrence of the Council relative to this item.

Councilmember Whalen, Chairman of the Utility Committee, stated that in January of this year, Mr. Mahon provided the Committee with a similar presentation regarding this agenda item and that the Committee voted unanimously to recommend to the Council that staff proceed forward with its recommendations.

It was moved by Councilmember Whalen, seconded by Councilmember Jaffa, that staff's recommendations to convert 5,896 solid waste customers' alley garbage collection service to curbside collection service, and to obtain 75% agreement to convert any interested customers from alley to curbside collection earlier than their schedule conversion date, be approved.

In response to a series of questions from Councilmember Pomeroy, Mr. Mahon explained that alleys have always been a safety risk for collection vehicle operators; the fact that the initial phase of the conversion includes the alleys which pose the greatest safety concerns; the fact that over the past five years, the Solid Waste Division has made a concerted effort to discontinue service in alleys where vehicle navigation is unsafe or property damage is likely,

and the fact that staff has been directed to obtain approval from all property owners along the alley prior to the alley-to-curbside conversion.

City Manager Mike Hutchinson informed the Council that the proposed conversion process is controversial and that many City residents prefer alley garbage collection service. He explained that staff has endeavored to accomplish the conversion incrementally based on safety concerns, but noted that Council will most likely receive complaints from Mesa homeowners regarding this issue.

Vice Mayor Davidson stated that although it is imperative to ensure the continued safety of the collection vehicle operators and to prevent damage to City and private property, he is opposed to the elimination of alley garbage collection service. He expressed the opinion that it is a mistake to convert the garbage collection service to curbside and added that new and innovative design concepts being used nationwide utilize a more sophisticated street design in conjunction with the use of alleys for utilities infrastructure.

Councilmember Walters said that during a recent ride-along with one of the City's collection vehicle operators, she observed firsthand the challenges which the drivers encounter as they navigate through Mesa's alleys. She noted that although some residents will oppose the conversion process, it is important that they are cognizant of the safety factors which City personnel face on a daily basis. Councilmember Walters also stated the opinion that the City should proceed cautiously with regard to its process to vacate and move backyard walls or to gate neighborhood alleys.

Mayor Hawker voiced support for the motion and stated that he favors the "pay as you throw" concept, whereby the City would weigh a resident's black barrel and charge the individual what it costs the City to dispose of the refuse in the landfills. He added that the practice would encourage Mesa residents to utilize their blue and green barrels more often.

Discussion ensued relative to the fact that the alleys will continue to remain dedicated rights-of-way when the garbage barrels are removed unless the adjacent customers receive City Council approval to vacate them; the fact that Solid Waste personnel will go door-to-door in an effort to contact as many customers as possible regarding the conversion process, and the fact that subsequent to the door-to-door notification, an informational letter will be mailed to each customer outlining when the 90-gallon garbage barrel will be delivered, their first collection day, collection guidelines, and a contact name to answer any questions.

Councilmember Jaffa expressed support for the motion and thanked staff for their presentation.

Upon tabulation of votes, it showed:

AYES - Hawker-Jaffa-Kavanaugh-Pomeroy-Walters-Whalen  
NAYS - Davidson

Mayor Hawker declared the motion carried by majority vote.

4. Discuss and consider funding a portion of the East Mesa E-Streets Loop.

E-Streets and Licensing Director Dan Brewer and Harry Preston, an intern in the City Manager's Office, addressed the Council relative to this agenda item.

It was moved by Councilmember Kavanaugh that the funding of Segment 7 of the East Mesa E-Streets Loop, be approved.

Mayor Hawker informed Mr. Brewer that due to time constraints and a consensus by the Council on this issue, a detailed presentation is unnecessary.

Mr. Brewer provided a brief overview of this agenda item and noted that the purpose of today's presentation is to seek Council conceptual approval to build 13 segments of the East Mesa Conduit Loop (CL) consisting of 12 empty conduit and related infrastructure, and also to seek Council authorization to construct Segment 7 of the CL using lease-purchase financing to cover the cost of unsold empty conduit and related infrastructure in the segment.

Mr. Brewer reported that staff has obtained Letters of Intent (LOI) from companies for four of the eight conduits available for sale; the fact that based upon converting the LOIs to signed agreements in this segment, it is the projection of staff that the City will be required to finance \$204,324 of the segment's construction cost until such time as the remainder of the infrastructure is sold; the fact that if no LOIs in Segment 7 are converted to agreements and the City constructs the segment as proposed, Mesa would be required to finance \$408,648 over a ten-year term, and the fact that the resulting debt service is estimated at \$60,000 annually.

Mr. Brewer displayed graphics in the Council Chambers depicting the 35-mile East Mesa Conduit Loop. (See Attachment 2.)

Councilmember Pomeroy seconded Councilmember Kavanaugh's motion.

Councilmember Jaffa requested that staff research the City's ability to legally bind the companies that issue LOIs to ensure that the City is not compelled to fund the infrastructure costs which were committed to by the various entities.

Mayor Hawker voiced support for the motion and stated that with the installation of the E-Streets Loop, Mesa will possess the necessary technological infrastructure to attract economic development opportunities at Falcon Field and Williams Gateway Airports.

Mr. Preston provided the Council with a brief presentation on the proposed construction process.

Vice Mayor Davidson stressed that although the technological infrastructure is a prerequisite to entice new businesses to Mesa, it is also imperative that the City maintain its ability to access the technology.

Carried unanimously.

5. Acknowledge receipt of minutes of boards and committees.

- a. Board of Adjustment meeting held March 12, 2002.
- b. Design Review Board meeting held March 6, 2002.
- c. Parks and Recreation Board meeting held March 14, 2002.

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

Carried unanimously.

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

Councilmember Kavanaugh reported on his recent attendance at the graduation ceremony of the 30<sup>th</sup> class of the Mesa Police Citizens' Academy. He commented that the participants provided positive feedback relative to the program and added that they had gained a greater appreciation of the complexity of the work performed by the City's Public Safety personnel.

Vice Mayor Davidson advised the Council that the Pollack Group will make a presentation at the upcoming Affordable Housing Conference in Tucson. He commented that the report will address the organization's model for measuring a community's inventory of affordable housing.

7. Scheduling of meetings and general information.

City Manager Mike Hutchinson stated that the meeting schedule is as follows:

Thursday, March 28, 2002, 9:30 a.m. – Fire Committee Meeting

Monday, April 1, 2002, TBA – Study Session

Monday, April 1, 2002, 5:45 p.m. – Regular Council Meeting

Thursday, April 4, 2002 – Study Session Cancelled

Thursday, April 4, 2002, 7:30 a.m. – Joint Breakfast Meeting w/ Mesa School Board

Tuesday, April 9, 2002, 4:30 p.m. – Joint Meeting & Tour with Town of Gilbert

Thursday, April 11, 2002, 7:30 a.m. – Study Session

Wednesday, April 17, 2002, 5:30 p.m. – Joint Dinner with Tempe City Council

8. Prescheduled public opinion appearances.

There were no prescheduled public opinion appearances.

9. Items from citizens present.

There were no items from citizens present.

10. Adjournment.

Without objection, the Study Session adjourned at 9:50 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 28<sup>h</sup> day of March 2002. 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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Attachments