



# COUNCIL MINUTES

October 31, 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 October 31, 2002 at 7:30 a.m.

## COUNCIL PRESENT

Mayor Keno Hawker  
Rex Griswold  
Kyle Jones  
Claudia Walters  
Mike Whalen

## COUNCIL ABSENT

Dennis Kavanaugh  
Janie Thom

## OFFICERS PRESENT

Mike Hutchinson  
Barbara Jones  
Debbie Spinner

(Mayor Hawker excused Vice Mayor Kavanaugh and Councilmember Thom from the meeting.)

### 1. Review items on the agenda for the November 4, 2002 Regular Council meeting.

All the items on the agenda were reviewed among Council and staff with no formal action taken. There was discussion among the members of the Council relative to various agenda items.

Councilmember Griswold declared a potential conflict of interest on item 3c (Paul W. Marquardt, Agent, Person & Location Transfer, Beer and Wine Bar, The Monastery, 4701 E. McKellips Road) and said he would refrain from discussion/participation in this agenda item.

Mayor Hawker declared a potential conflict of interest on item 5h (Rehabilitation of Range Rider No. 1 (South) and County Line No. 2 (1,800 Ft) Reservoir. City of Mesa Project No. 01-130) and said he would refrain from discussion/participation in this agenda item.

Mayor Hawker stated that agenda items 7a (Authorizing the City Manager to execute an Intergovernmental Agreement with the Arizona Department of Transportation to accelerate adding general lanes to the Superstition Freeway from Price Road to Val Vista Drive), 7c (Designating a Special Election), and 8a (Amending Section Chapter 11-18 of the Zoning Ordinance to a new section 11-18-15 regarding: A Citizen Participation Plan requirement for public hearing cases) would be removed from the consent agenda.

Mayor Hawker stated that agenda item 10a (Recommend approving staff's recommendation that the City continue to charge impact fees associated with development projects undertaken by non-profit agencies) will be deleted from the consent agenda.

2. Discuss and consider a request for water and sewer service outside Mesa's corporate limits for a Quick Trip at the southeast corner of University and Ellsworth.

Deputy Building Safety Director Jeff Welker, and Jason Morris, an attorney representing QuikTrip Corporation, addressed the Council relative to this agenda item.

Mr. Morris reported that a lengthy presentation was made by both himself and City staff at the October 24, 2002 Utility Committee regarding this matter, and at that time, the members of the Committee voted 2-1 to recommend that the City Council approve the applicant's request for water service.

Mr. Morris explained that this case came about due to a difference of legal interpretations between himself and the City Attorney's Office with reference to City Ordinance No. 3880, which establishes the terms and conditions for the sale of utilities. He stated that it is the opinion of the applicant that the property has existing service, whereas it is the position of staff that because the property is a combination of two parcels (including a church that historically received Mesa water service), the establishment of new lot lines and a change of use (from a church to commercial development), the project should be disqualified from receiving utility service by the City of Mesa. Mr. Morris added that because City Ordinance No. 3880 is relatively new, it is his understanding that the City would prefer not to allow exceptions to the law unless it is absolutely necessary. He noted, however, that the land use is in accordance with the Mesa General Plan; that the site was designed and will be developed per Mesa's development standards, and that QuikTrip is willing to incur appropriate impact fees to develop the property and enter into a reasonable pre-annexation agreement to confirm that it will annex into Mesa and develop according to Mesa's development standards.

Mr. Morris stressed that it is the preference of both staff and the applicant that the site be annexed into the City of Mesa. He added that efforts are currently underway to meet with the adjacent property owners on the north side of the intersection at University Drive and Ellsworth Road, and also with the Arizona Department of Transportation (ADOT), the owner of a parcel to the west of the applicant's property, in an effort to convince those entities that they should annex into the City, which would then provide the applicant with a contiguous boundary.

Mr. Morris thanked City staff for their efforts to expedite the case in an effort to accommodate an existing contract deadline. He requested that the Council grant a two-week continuance of the matter in order to provide him and staff additional time to pursue the possible annexation of the neighboring properties.

Councilmember Whalen commended Mr. Morris for his professionalism throughout this process and noted that if the subject property were annexed into Mesa, the City would receive lucrative sales tax revenues. He also expressed support for granting a two-week continuance of the case.

Mayor Hawker concurred with Councilmember Whalen's comments.

It was moved by Councilmember Walters, seconded by Councilmember Griswold, that the applicant's request for a two-week continuance of this matter, be approved.

Councilmember Walters noted that although she is supportive of the applicant's development, she does not want this case to set a precedent for individuals wishing to combine a small property currently receiving City of Mesa utility services with a larger piece of property that does not and expecting that Mesa will provide utility services to the entire area.

Discussion ensued relative to the manner in which the City would proceed to annex the surrounding properties and the potential complications that may occur.

Mayor Hawker declared the motion carried unanimously by those present.

3. Hear an update and consider issues associated with the Va Shly'ay Akimel Salt River Restoration Project.

Assistant to the City Manager Jim Huling, Senior Engineer Gordon Haws, and Kayla Eckert, Study Manager with the U.S. Army Corps of Engineers, addressed the Council relative to this agenda item.

Ms. Eckert displayed graphics in the Council Chambers and provided an overview of the project's history, as well as the ongoing efforts in the part of the City of Mesa, the Salt River Pima-Maricopa Indian Community (SRPMIC), and the U.S. Army Corps of Engineers (USACE) to complete the Feasibility Study.

Ms. Eckert explained that it is anticipated that the Feasibility Study will be completed by the USACE in late 2003; that the purpose of the study is to define objectives, document existing conditions, identify potential sources of water, and consider opportunities for environmental restoration for portions of the Salt River from Price Road to Granite Reef Dam; that the Federal government requires a 50% local cost share to fund the Feasibility Study, which is currently estimated at \$4,750,000; that the local government's share is \$2,375,000, which the City has agreed to split equally with the SRPMIC; and that Mesa's contribution is \$1,187,500, of which an estimated \$656,000 will be in the form of in-kind services, with the remainder being a cash obligation.

Discussion ensued relative to the various phases of the Feasibility Study undertaken by the USACE; that the Feasibility Study's completion could lead to a recommendation for construction authorization in the upcoming Water Resources Development Act of 2004; that if the City, the SRPMIC and the USACE adopt the recommendations of the Feasibility Study, the project would then proceed to an anticipated two to three year design phase, with 2008 being the estimated commencement of the construction phase.

Ms. Eckert displayed a series of maps in the Council Chambers and briefly highlighted some of the technical findings of the Feasibility Study including groundwater hydrology; the identification of possible water sources; storm water discharge; habitat; vegetation; cultural resources; hazardous/toxic radioactive waste, and the impact of rock and gravel mining along the Salt River bed.

Ms. Eckert concluded her presentation by noting that public participation is a crucial element to ensure the success of the Feasibility Study. She advised that already in 2002, a series of public meetings have been conducted in Mesa and the Indian Community to solicit input and

suggestions from citizens regarding the restoration project, and that additional meetings are anticipated between now and the end of the year.

Mayor Hawker expressed appreciation to Ms. Eckert for the concise and informative presentation. He commented that although the City of Mesa is a partner with the Indian Community in pursuing this issue, it is incumbent upon the Indian Community to assume a leadership role due to the fact that it has legal ownership of the Salt River. He also commended the Arizona Congressional delegation for their support and the City's strong working relationship with the USACE.

Councilmember Walters thanked Mayor Hawker for his efforts and hard work relative to this issue.

Further discussion ensued relative to alternative water sources and the importance of recharging water.

4. Hear a report, discuss and consider an analysis of the Park Ranger Program.

Deputy City Manager Debbi Dollar reported that this agenda item is the result of the Council's budget discussions and their subsequent request that staff conduct an analysis of the Park Ranger Program. She explained that in response to the request, a staff committee comprised of members from the City Manager's Office, the Police Department and the Parks and Recreation Division was formed for the purpose of determining whether the current program is the most cost effective and efficient method of providing the necessary services to the community, as well as possible alternatives for the administration of the current program.

Mayor Hawker stated that as a result of the City's current budget constraints, he felt it was appropriate to review a number of City programs that have been added to the budget in the last 10 to 15 years to assess whether the programs merit continued funding.

Parks and Recreation Administrator Mark Woodward and Police Commander Steve Toland addressed the Council relative to this agenda item. Mr. Woodward provided a brief synopsis of the Park Ranger Program and stated that it began in 1987 when the Council approved funding to begin implementing the program under the supervision of the Parks and Recreation Division; that it was an outgrowth of citizen concerns regarding the misuse of City parks; that the first Park Ranger patrol area included six central Mesa parks; that the Park Ranger Program has been successful in attaining the goal of making parks a positive asset to Mesa by addressing concerns expressed by the park users, and that at the present time, nine full-time and 20 part-time employees provide coverage for approximately 75% of the most heavily used parks, recreation facilities and other City facilities.

Mr. Woodward commented that in addition to patrolling City parks, the Park Rangers also provide a variety of other services such as opening and closing the gates to park facilities; opening and closing restrooms; turning athletic field lights on and off; litter control, and conducting educational classes in the Mesa public schools on proper park use. He also stated that the program provides an effective community policing partnership with the Police Department for more serious infractions that occur within the parks.

Mr. Woodward commented that after extensive discussion and analysis, it is the Committee's recommendation that the Park Ranger Program remain under the supervision of the Parks and Recreation Division as it is currently structured and budgeted. He commented that on October 10, 2002, he and Commander Toland made a presentation regarding this issue to the Parks and Recreation Board, and that the Board unanimously supported the Committee's recommendation.

Commander Toland provided the Council with the Committee's alternative options regarding the Park Ranger Program: Option 2, Transfer the program to the Police Department (at a cost of approximately \$3.4 million) and create a new unit of sworn officers whose primary duties would be to patrol the City parks; and Option 3, Transfer the program as currently structured to the Police Department and require that the City Code be amended to grant the Park Rangers enforcement power. The Park Rangers would also be required to pass the CALEA (Commission on Accreditation for Law Enforcement Agencies) standards for hiring, including a thorough background check and a polygraph exam.

In response to a question from Mayor Hawker regarding why the City would hire an employee who is unable to pass a background check and polygraph exam, Commander Toland clarified that the Police Department has access to an extensive array of driver's license and criminal records and that its hiring standards are more stringent than those of the City's Personnel Division.

Mayor Hawker expressed concerns regarding Commander Toland's comments and noted that he would not like to see the City of Mesa hiring individuals to serve as Park Rangers who are unable to pass the Police Department's background check and polygraph exam.

Councilmember Walters concurred with Mayor Hawker's comments and noted that the manner in which the Council Report was written implies that the City endorses the hiring of individuals who would lie or possess a criminal record to work for the City of Mesa. She also questioned the screening mechanisms that the Police Department has which would prevent an individual from being hired by the department, but yet would allow a job applicant to be hired by the Park Ranger Program.

Councilmember Walters stated that she is aware of the positive impact on the City as a result of the Park Ranger Program, but stressed the need for more effective communication between the Park Rangers and the Police Department to respond to the needs and inquiries of citizens who utilize Mesa's parks.

In response to a series of questions posed by Mayor Hawker regarding the impact of a 50% reduction in the Park Ranger Program budget, Park Ranger Supervisor Layton Meininger clarified that the security of the City's parks and the services provided to the citizens who use the facilities would be significantly impacted by such a reduction.

Councilmember Whalen expressed support for the Park Ranger Program and stated that the program has alleviated many calls which once were directed to the Police Department. He suggested the possibility of using automated light systems which would eliminate the need and expense of the Park Rangers turning lights on and off at the various athletic fields.

Mayor Hawker thanked staff for the presentation.

5. Acknowledge receipt of minutes of boards and committees.

- a. Historic Preservation Committee meeting held September 5, 2002.
- b. Transportation Committee meeting held October 3, 2002.

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

Mayor Hawker declared the motion carried unanimously by those present.

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

Councilmember Walters reported that she and several Councilmembers recently attended several GAIN (Getting Arizona Involved in Neighborhoods) parties. She noted that the gatherings were well attended by Mesa residents who are participating in a variety of worthwhile projects to improve the neighborhoods in the community.

Councilmember Griswold stated that he also attended a number of the GAIN parties and enjoyed the positive response by the residents to the Mesa Police Department who also participated at the events.

Mayor Hawker advised that he attended the second meeting of Valley Metro Rail, an organization consisting of four members from Phoenix, Mesa, Tempe and Glendale. He also commented that he participated in the Maricopa Association of Governments' (MAG) Regional Council Meeting.

Councilmember Whalen announced that he will once again participate in the Line Sighting Committee and said that this year; the members will consider power line sighting cases.

7. Scheduling of meetings and general information.

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

Saturday, November 2, 2002, 9:30 a.m. – Dedication of Skyline Park

Monday, November 4, 2002, TBA – Study Session

Monday, November 4, 2002, 5:45 p.m. – Regular Council Meeting

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

Thursday, November 7, 2002, 9:30 a.m. – General Development Committee Meeting

Thursday, November 14, 2002, 7:30 a.m. – Study Session

Monday, November 18, 2002, TBA – Study Session

Monday, November 18, 2002, 5:45 p.m. – Regular Council Meeting

8. Prescheduled public opinion appearances.

There were no prescheduled public opinion appearances.

9. Items from citizens present.

Sheila Mitton, 1615 West Pueblo Avenue, addressed the Council and voiced support for the continuation of the Park Ranger Program. She urged the Council not to make reductions to the program's already limited budget.

10. Adjournment.

Without objection, the Study Session adjourned at 9:30 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 31<sup>st</sup> day of October 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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