

COUNCIL MINUTES

February 14, 1997

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 February 14, 1997, at 7:30 a.m.

COUNCIL PRESENT

Mayor Wayne Brown
Pat Gilbert
John Giles
Dennis Kavanaugh
Joan Payne
Wayne Pomeroy
Jim Stapley

COUNCIL ABSENT

None

STAFF PRESENT

C.K. Luster
Vince Anderson
Pauline Backer
Joan Baier
Wayne Balmer
Neal Beets
Fred Conway
Mark Coon
Kim Fallbeck
Glenn Gorke
Mike Hutchinson
Barbara Jones
Sharon Joyce
Vic Kalva
Harry Kent
Wayne Korinek
Larry Lines
Rich Lorig
Greg Marek
Jeff Martin
Chris Medrea

STAFF PRESENT (CONT.)

Keith Nath
John Oliver
Ellen Pence
Bryan Raines
Andrea Rasizer
Tom Remes
Denise Samuel
Sharon Seekins
Debbie Vickman
Mindy White
Jim Wright

OTHERS PRESENT

Dan Nowicki
Michael Petitti
Daniel Seco
Mark Soronson
Lela Steffey
Others

Mayor Brown welcomed Representative Lela Steffey to the meeting.

1. Further discussion and consideration of requiring petition circulators for City election matters to be residents of the City of Mesa.

Councilmember Stapley spoke in favor of a proposal to require that petition circulators for City election matters be residents of the City of Mesa.

Mayor Brown advised that this issue was initially presented to Council by the Mayor's Ad Hoc Committee to Review Election Procedures.

City Attorney Neal Beets expressed the opinion that cities are legally authorized to adopt a requirement that circulators of local petitions for local candidates or local issues be residents of the city. Mr. Beets referred to State statutes and noted that the Cities of Phoenix, Tucson, Peoria, and Tempe have adopted this requirement by ordinance. Mr. Beets cited a 1989 Arizona Attorney General's opinion which states that cities may require that carriers of local petitions be local residents. Mr. Beets explained that he is not advocating that Council approve the adoption of an ordinance but is stating the opinion that Council has the legal authority to adopt an ordinance requiring that circulators of petitions for Mesa initiatives or referendums be Mesa residents.

Chris Medrea, President of the Mesa Fire Fighters Association, commented that it is not permissible according to current statutes to prohibit nonresidents from circulating petitions.

Michael Petitti, Jr., Attorney, referred to research provided to the Mesa Fire Fighters Association on January 13, 1997, wherein it was determined that a City may not prohibit individuals that are not residents of the City from circulating municipal initiative or referendum petitions. Mr. Petitti supported the finding through ARS Title 19, Chapters 1 and 2.

Mr. Petitti stated that Chapter 1 addresses initiative and referendum provisions for cities, counties, and towns. Mr. Petitti indicated that the only requirement to carry petitions is that the circulator be at least 18 years of age and a registered voter of the State. Mr. Petitti advised that after 1989, the Arizona State Attorney General determined that under State law, any qualified elector of the State may circulate municipal initiative and referendum petitions. Mr. Petitti noted that Chapter 2 of Title 19 delineates recall and advisory provisions and states that the circulator's affidavit in recall elections shall be in the same form as that for initiative and referendum petitions.

In response to a question from Mayor Brown, Mr. Beets stated that Mr. Petitti's argument does not alter his opinion regarding the legality of requiring that circulators be Mesa residents.

Discussion ensued concerning local control and the City's ability to amend the definition of a qualified elector.

Councilmember Kavanaugh indicated concurrence with Mr. Petitti's statutory analysis and noted the importance of the issue as a public policy. Councilmember Kavanaugh commented that the utilization of qualified electors from outside communities as circulators has not been detrimental to the public's health, safety, or welfare. Councilmember Kavanaugh stated the opinion that a registered voter in the State is granted the right to circulate petitions and added that it would be unwise to proceed with an ordinance to require that circulators be Mesa residents.

Vice Mayor Gilbert expressed concern relative to communities with ordinances restricting circulators to city residents and the lack of challenges to such ordinances. Vice Mayor Gilbert stated opposition to an ordinance to restrict circulators but indicated a willingness to reconsider the proposal at a future time, if warranted.

Councilmember Payne noted the importance of allowing citizens the ability to hire petition circulators from various communities. Councilmember Payne said that she does not favor an ordinance requiring that circulators be Mesa residents.

Councilmember Pomeroy concurred with Mr. Beet's opinion and added that requiring circulators to be Mesa residents would be a benefit to the City.

Mayor Brown indicated support for the proposed ordinance relative to the fact that the Cities of Phoenix, Tucson, Peoria, and Tempe have similar ordinances and due to the importance of petitions being carried by citizens that are directly affected by the issues.

Councilmember Stapley spoke in favor of paid circulators provided they are Mesa citizens. Councilmember Stapley explained the significance of obtaining local support for local issues.

It was moved by Councilmember Stapley, seconded by Councilmember Pomeroy, that staff develop an ordinance requiring that petition circulators for City election matters be residents of the City of Mesa.

Vice Mayor Gilbert stated support for the motion to draft an ordinance but indicated uncertainty concerning the final ordinance.

Councilmember Payne said that when she was targeted for a proposed recall, there was no concern expressed that the organization was composed of people from outside communities.

Councilmember Kavanaugh concurred with Vice Mayor Gilbert regarding the motion to draft an ordinance but explained that voting in favor of the draft does not indicate support of the final ordinance.

Upon tabulation of votes, it showed:

AYES - Brown-Gilbert-Giles-Kavanaugh-Pomeroy-Stapley
NAYS - Payne
ABSENT - None

Mayor Brown declared the motion carried by majority vote.

2. Review plans for improving and lighting the median on Main Street from Country Club Drive to Hobson, for improving the City parking lot on the south side of Pepper Street east of Robson, and for improving the north and south side of the Mesa City Plaza Building.

Landscape Architect Vic Kalva spoke regarding proposed improvements to the median landscaping and street lighting from Country Club Drive to Hobson. Mr. Kalva explained that the current streetlights will be replaced with period character lighting, shrubbery will be improved, and approximately 80 trees will be planted, 30 of which will be date palm trees. Mr. Kalva outlined plans to install decorative paving to set off islands, and to place brick treatments in turn lanes. Mr. Kalva stated that drawings are anticipated to be completed by the end of March 1997, with a request for bids to be submitted in early May 1997.

In response to a question from Councilmember Giles, City Manager Charles Luster stated that any proposed changes, such as adding a left-turn lane, should be incorporated into the median plans at this time.

In response to a question from Vice Mayor Gilbert, Mr. Kalva noted that existing ground cover and shrubbery will be replaced with ground cover that will provide three different colors to the median from Spring through mid-Summer. Mr. Kalva stated that annual flowers can be added to the project if requested.

Mr. Kalva reviewed planned improvements to the parking lot located on the south side of Pepper Street east of Hobson. Mr. Kalva noted that the paving will be replaced throughout the entire parking lot, additional trees will be planted, area lighting will be increased along the perimeter, pedestrian-scale lighting will be installed throughout the parking lot, and two new trash dumpsters (recycling and regular) will be placed on the lot. Mr. Kalva advised that construction will be completed in phases to allow at least 50 percent of the parking lot to remain open at all times.

Vince DiBella, from DiBella, Murphy and Saemish Architects, provided a brief synopsis of the proposed renovations to the exterior of the Mesa City Plaza Building. Mr. DiBella explained that Lewis Street will become a major pedestrian core north of Main Street; a bus lane and shelter will be integrated along Main Street; two evergreen elm trees will remain; and a curvilinear wall, a major water feature, and seating will be installed on the north side of the building. Mr. DiBella noted the desire to create multiple areas that will provide an opportunity to host different types of functions, and a place for public art.

Discussion ensued regarding the placement of electrical outlets and the height of the wall.

Mayor Brown expressed appreciation for the presentation.

2.1. Hear an update on a proposed fixed guideway transportation system.

Transit Coordinator Jim Wright advised that the Cities of Mesa, Phoenix, Tempe, and Scottsdale and the Maricopa Association of Governments (MAG) entered into a fixed guideway transit project during the Summer of 1996. Mr. Wright introduced Mark Soronson, Project Manager for Carter & Burgess, a consulting agency hired by the Regional Public Transportation Authority (RPTA) to perform a fixed guideway major investment study.

Mr. Soronson provided Council with a map of the proposed fixed guideway system and explained that five studies are presently underway. Mr. Soronson explained the three-phase process of the studies, noting that they are currently in the second phase, conceptual engineering design and environmental analysis. Mr. Soronson indicated that a regional submittal is being prepared to request funding through the Intermodal Surface Transportation Efficiency Act (ISTEA). Mr. Soronson spoke concerning planned corridors and said that the Central Phoenix to the East Valley is the most heavily traveled corridor in the region.

Mr. Soronson stated that the 18-mile segment from Central Avenue in Phoenix to Dobson Road in Mesa has been designated as the base corridor. Mr. Soronson indicated that a 10-mile segment within the 18-mile base corridor has been identified as the easiest to implement and has the greatest possibility for funding. Mr. Soronson explained that alignments, as well as a technology match, are in the process of being determined.

Mayor Brown commented that Council has been presented with a unique opportunity to examine the proposed fixed guideway transit project.

Vice Mayor Gilbert expressed enthusiasm for the project. Vice Mayor Gilbert spoke concerning the importance of arranging train service during the Spring for commuters and noted optimism regarding funding a fixed guideway transportation system between the Valley cities.

In response to a question from Mayor Brown, Mr. Soronson explained that the proposed initial segment is limited in distance, can be implemented with the least degree of political controversy, and has the greatest probability of success. Mr. Soronson added that the initial 10-mile segment can be extended relative to available revenue.

In response to a question from Councilmember Stapley, Mr. Soronson indicated uncertainty regarding the projected dates for the High Occupancy Vehicle (HOV) lanes on the Superstition Freeway but stated that the Arizona Department of Transportation (ADOT) will be issuing a Request for Proposals (RFP) in the near future for a design concept. Mayor Brown added that the City is expecting a letter from Mr. Bonine, Director of ADOT, regarding ADOT's commitment to the HOV lanes.

Mr. Luster questioned anticipated costs. Mr. Soronson stated that the initial segment is estimated at \$24 million per mile, or \$240 million total. Mr. Soronson said that the proposal submittal to the Federal Government will indicate shared costs divided equally between the cities and the Federal Government.

Mayor Brown expressed appreciation to Mr. Wright and Mr. Soronson for the update. Mayor Brown noted Council's support for a fixed guideway transportation system. Mayor Brown explained the importance of working together on the project.

3. Further discussion and consideration of the proposed improvements to Gilbert Road between Southern Avenue and the Consolidated Canal.

Engineering Design Director Keith Nath explained that staff has met with residents of Enid Avenue and representatives from the Santa Fe Shopping Center regarding a request to prohibit left turns onto Enid Avenue from Gilbert Road. Mr. Nath said that staff has developed a compromise, acceptable to both the residents and the Center, to redesign the proposed median to allow left turns from Gilbert Road onto Enid Avenue but not allow left-turns from Enid Avenue onto Gilbert Road.

Supervising Engineer Peter Knudson spoke regarding requests from residents to close seven streets along Gilbert Road with cul-de-sacs. Mr. Knudson said that staff has received five petitions that meet the City's criteria (Vine, Marilyn, 7th, Diamond, and Delta Avenues) and two petitions that do not meet all of the criteria (Dana and Aspen Avenues).

In response to questions from Mayor Brown, Mr. Knudson reported that Dana and Aspen Avenues have not received signatures from 100 percent of the homeowners, but staff has determined that the streets will be affected by traffic. Mr. Knudson explained that vehicles currently do not have direct access from Dana Avenue to Gilbert Road due to a frontage road.

Mayor Brown thanked Mr. Nath and Mr. Knudson for the update.

Daniel Sekol, 2064 East Aspen Avenue, expressed opposition to the closure of Aspen Avenue and stated that if Aspen Avenue is closed, residents will be required to use either Main Street or Broadway Road to gain access to the neighborhood.

In response to a question from Mayor Brown, Mr. Kent explained the anticipated traffic flow should Aspen Avenue be closed. Mr. Knudson noted the receipt of additional signatures from residents along Aspen Avenue and stated that they are now one signature short of 100 percent participation.

Mayor Brown stated that the Transportation Committee will review the proposed closure of Aspen and Dana Avenues.

Mayor Brown thanked Mr. Sekol for his input.

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

- a. General Development Committee meeting - January 30, 1997.
- b. Housing and Human Services Advisory Board meeting - January 22, 1997.
- c. Library Advisory Board meeting - February 4, 1997.
- d. Adjustment Board meeting - February 4, 1997.
- e. Design Review Board meeting - February 5, 1997.

It was moved by Councilmember Stapley, seconded by Councilmember Pomeroy, to acknowledge receipt of the minutes of meeting of various boards and committees.

Carried unanimously.

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

Councilmember Kavanaugh spoke regarding Council's trip to Guaymas, Mexico, Mesa's Sister City, on Friday, February 7, 1997. Councilmember Kavanaugh noted that the trip assisted in developing economic and tourism opportunities between the two communities.

6. Scheduling of meetings and general information.

Mr. Luster stated that the meeting schedule is as follows:

Tuesday, February 18, 1997, 5:45 p.m. - Regular Council Meeting

Wednesday, February 19, 1997, 7:30 a.m. - Breakfast Meeting with the Dobson Ranch Homeowners' Association Board of Directors

Friday, February 21, 1997, 7:30 a.m. - Study Session (followed by a tour of the Red Mountain Freeway alignment)

7. Review items on the agenda for the February 18, 1997, 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:

3. Consider the following liquor license applications:

*c. OCTAVIO RUELAS, JR., AGENT

New beer and wine store license for Super Station Car Wash, 1560 South Gilbert Road. The license previously held at this location by Octavio Ruelas, Jr., etal, Super Station Car Wash, will revert back to the State.

Councilmember Stapley indicated opposition to the request, noting his belief that alcohol and gasoline should not be sold in the same establishment. Councilmember Stapley requested that this item be removed from the consent agenda.

4. Consider the following contracts:

*e. One-year supply of utility bill envelopes as requested by the Printing and Graphics Services Division.

The Purchasing Division recommends accepting the only bid by Tension Envelope Corp. at \$52,371.20 plus 5% use tax of \$2,636.06 for a total of \$55,357.26.

In response to questions from Vice Mayor Gilbert, Purchasing Administrator Sharon Seekins advised that the utility bill envelope design is patented. Ms. Seekins said that Tension Envelope Corp. has chosen not to authorize other distributors of the envelope, so the City can only obtain the envelopes from Tension Envelope Corp. Ms. Seekins stated that staff

continually compares the cost of the envelope presently used versus a two-envelope system. Ms. Seekins reported that the current envelope is cost-effective and ecological.

Mayor Brown suggested that next year staff bid both the one-envelope and the two-envelope system to assist in determining which system is most cost-effective.

Vice Mayor Gilbert spoke regarding customized products and difficulties in obtaining such products. Vice Mayor Gilbert commented that the more a design is standardized, the lower the cost.

In response to a question from Councilmember Stapley, Ms. Seekins explained that when determining a fair price, staff is asked if the product assists in making their jobs better, easier, and more efficient. Ms. Seekins said if it can be determined that a product provides assistance to staff and is not prohibitively priced, a single source distributor will be considered.

- *h. One replacement breathing air compressor with storage receivers and fill station for Fire Training as requested by the Fire Department.

The Purchasing Division recommends accepting the proposal by American Bristol Ind., Inc., which has the highest evaluated total points and also offers the lowest price at \$38,980.00 for the compressor (Item 1A) plus Option 1, less trade-in of \$2,200.00 (for 3a and 3c), plus 5% use tax on material of \$1,839.00 and installation labor of \$3,118.00 for a grand total of \$41,737.00.

Mayor Brown asked that this item be removed from the consent agenda to allow a demonstration of the breathing air compressor.

- 5. Consider the following resolutions:

City Manager Charles Luster advised that staff would like to add a resolution authorizing an individual at Williams Gateway Airport to sign a grant request for funds to assist in construction along Sossaman and Ray Roads, which involves both the City and Williams Gateway Airport.

- 6. Consider the following ordinance:

- *a. Prohibiting parking from 7 a.m. to 4 p.m. on school days on Minton Circle from 32nd Street to a point 190 feet west of 32nd Street; on the north side of Main Street from a point 48 feet west of Williams to a point 54 feet east of Williams, on the south side of Main Street from a point 165 feet west of Williams to a point 75 feet east of Williams, and on Williams from Main Street to a point 220 feet south of Main Street; and reducing the speed limit from 45 mph to 40 mph on Stapley Drive from Baseline Road to the Superstition Freeway (U.S. 60), all as recommended by the Traffic Safety Committee.

In response to a question from Councilmember Stapley, Mr. Luster said that a reduction in the speed limit on Mesa Drive is requested as a result of the recent widening of Mesa Drive to four lanes. Mr. Luster stated that the lanes are narrow and contain an abrupt "s" curve.

7. Consider the following cases from the Planning and Zoning Board and possible adoption of the corresponding ordinances:
 - a. **Z96-101** The 7100 block of East McKellips Road (north side). Rezone from R1-35 to R-2-PAD (15± acres). This case involves development of a 118-lot patio home project. Gerald and Elaine Petersen Trust, owner; the DeHaven Company, applicant. A 3/4 VOTE IS REQUIRED TO APPROVE THIS REQUEST. THIS CASE WAS CONTINUED FROM THE DECEMBER 16, 1996, AND JANUARY 21, 1997, COUNCIL MEETINGS.

Community Development Manager Wayne Balmer said that staff is anticipating a request for a continuance of this case.

- d. **Z97-3** The southeast corner of 40th Street and Brown Road. Rezone from AG to R1-15-PAD (60± acres). This case involves the development of a single-residence subdivision. Harvey Wood, owner; Hancock Communities, Inc., applicant.

Councilmember Pomeroy 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.

Mr. Balmer advised that staff has received a protest from property owners to the south of the site and as a result, a 3/4 vote will be required. Mr. Balmer stated that the applicant is working with the neighbors to address their concerns. Mr. Balmer said that the case received a split vote of 4-2 from the Planning and Zoning Board.

Jason Morris, Attorney for Beus, Gilbert & Morrill, P.L.L.C., representing the applicant, stated that the applicant would like to continue to work with the homeowners in addressing their concerns and does not wish to request a continuance at this time.

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 at this time.

14. Adjournment.

It was moved by Councilmember Stapley, seconded by Councilmember Pomeroy, that the Study Session adjourn at 9:17 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 14th day of February, 1997. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 4th day of March 1997

BARBARA JONES, CITY CLERK