

COUNCIL MINUTES

December 1, 1997

The City Council of the City of Mesa met in a Study Session in the Palo Verde Room 1 of the Centennial Conference Center, 201 North Center Street, on December 1, 1997, at 4:38 p.m.

COUNCIL PRESENT

Mayor Wayne Brown
Pat Gilbert
John Giles
Dennis Kavanaugh
Joan Payne
Wayne Pomeroy
Claudia Walters

COUNCIL ABSENT

None

STAFF PRESENT

C.K. Luster
Pauline Backer
Wayne Balmer
Neal Beets
Denise Bleyle
Dennis Compton
Mark Coon
Linda Crocker
Bill Haney
Joe Holmwood
Mike Hutchinson
Lars Jarvie
Barbara Jones
Harry Kent
Ron Krosting
Gene Larson
Rich Lorig
Greg Marek

STAFF PRESENT (CONT.)

Jeff Martin
Ellen Pence
Bryan Raines
Andrea Rasizer
Tom Remes
Becky Richardson
Sharon Seekins
Doug Tessendorf
Judy Wessel
Mindy White
Christine Zielonka
Others

OTHERS PRESENT

Bev Hart
Keno Hawker
Others

(Items on the agenda were discussed out of order but for purposes of clarity will remain as listed on the agenda.)

1. Review items on the agenda for the December 1, 1997, Regular Council Meeting.

All of the items on the agenda were reviewed by Council and staff with no formal action taken. There was specific discussion relative to the following agenda items:

5. Introduction of the following ordinances and setting December 15, 1997 as the date for the public hearing on these ordinances.

- g. **Z97-102** The 6700 block of East Superstition Springs Boulevard, (south side). Site Plan Review (2 +/- acres.)

Mayor Brown advised that this item will be placed on the Consent Agenda.

6. Consider the following resolutions:
 - *a. Accepting the disposition and development agreement with Mesa Cold Storage, Ltd., for Site 18, authorizing the City Manager to execute a disposition and development agreement and all other instruments necessary to carry out the provisions of the agreement, and authorizing the acquisition of various parcels of land and attached improvements by purchase, trade, dedication, donation or under the power of eminent domain, as a matter of public use and necessity.

Mayor Brown advised that this item will be removed from the Consent Agenda.

9. Consider the following cases from the Planning and Zoning Board and possible adoption of the corresponding ordinances:
 - a. **Z97-61** The 3600 to 4000 blocks of North Hawes Road (North 84th Street), both sides. Rezone from R1-90 to R1-90DMP. **CONTINUED FROM THE OCTOBER 20, 1997 COUNCIL MEETING.**

In response to a question from Mayor Brown, Community Development Manager Wayne Balmer noted that should the Council decide to pursue a proposal which has been submitted by Mr. Ralph Pew, the attorney representing the applicant, the proposed ordinance would require amendment. Mr. Balmer added that the amended ordinance would then be introduced at the next Regular Council Meeting and considered by the Council at the first meeting in January.

2. Consider additional measures for air pollution related to particulate matter (PM-10).

Environmental Programs Director Christine Zielonka informed the Council that in 1996, Maricopa County was downgraded to a serious non-attainment status for Particulate Matter. Ms. Zielonka noted that staff is requesting City Council approval of a resolution which defines measures the City will implement to reduce particulate pollution from vacant lots, unpaved roads, shoulders and access points, and unpaved parking lots.

Ms. Zielonka informed the Council that the five additional measures to control both particulate pollution and carbon monoxide, which are included in the proposed resolution, combined with measures adopted to date, will not demonstrate attainment with Federal standards by the deadline date of 2001. Ms. Zielonka stated that additional measures will be required.

Discussion ensued relative to the proposed measures which were developed by the Maricopa Association of Governments (MAG) and presented to the Air Quality Technical Advisory Committee and Air Quality Policy Committee, the fact that staff is currently preparing an ordinance that will adopt dust control strategies detailed in Maricopa County Rule 310: Open Fugitive Dust, and staff's intention to initiate a proactive inspection, education and dust control enforcement program by early January 1998.

Ms. Zielonka reported that at the current time the City of Mesa contains approximately 55 miles of unpaved shoulders on major arterial and collector streets and approximately 5.5 miles of unpaved City streets, one mile of which is scheduled for dustproofing this fiscal year. Ms. Zielonka commented that staff's recommendation is that approximately \$300,000 be

budgeted annually to pave or stabilize unpaved streets and that ten miles of unpaved shoulders be stabilized each year using slurry seal or other appropriate dust suppressant material at an annual cost of approximately \$120,000 (\$12,000 per mile of unpaved shoulder). Ms. Zielonka added that there are approximately 81 miles of unpaved alleys within the City and said that staff is recommending that alleys be abandoned whenever possible. Ms. Zielonka reported that paving of unpaved parking areas and an apron around the perimeter of Falcon Field have already been approved and budgeted for Fiscal Year 1997-98.

In response to a question from Councilmember Giles, Ms. Zielonka advised that staff would evaluate the need to pave streets with low traffic volume and present results and recommendations to the Council. Ms. Zielonka emphasized that proposed funding will be considered by the Council on an annual basis and that the proposed resolution will not commit the Council to future funding.

Additional discussion ensued relative to the fact that the proposed measures will result in a 16% reduction in particulate measurements, the importance of prioritizing future measures, and the fact that a sub-committee has been formed to evaluate the effects of weed blowers.

Vice Mayor Gilbert stressed the importance of continued study to determine measures which will provide optimum results.

Mayor Brown spoke in opposition to the operation of gas-powered leaf blowers and their negative effects on air quality. Mayor Brown indicated that he would support the adoption of an ordinance to ban the use of gas and electric powered leaf blowers in the City of Mesa.

Discussion ensued relative to determining the difference in cost between dirt blowers versus sweepers, policies adopted by surrounding cities, the possibility of establishing a demonstration area and utilizing sweepers to determine the equipment's performance, the possibility of adopting an ordinance which would require new construction to offer gas fire places in place of wood, and the fact that the Home Builder's Association and the City's Building Inspection staff both support a proposed ordinance to prohibit wood-burning fireplaces in the City of Mesa.

Mayor Brown thanked Ms. Zielonka for her presentation.

3. Consider two utility service requests as recommended by the Utility Committee. (See the minutes of the November 21, 1997 Utility Committee meeting - Item 4e.)

a. Water service at 82nd Street and Palm Lane.

Senior Civil Engineer Gene Larson provided the Council with a brief history of this agenda item. Mr. Larson stated that staff is recommending denial of the request for a variance based on the fact that the lot does not contain the required frontage on dedicated public right-of-way per the City ordinance governing the sale of utility service outside of Mesa's corporate limits.

It was moved by Councilmember Kavanaugh, seconded by Vice Mayor Gilbert, that the applicant's request be denied as recommended by staff.

Carried unanimously.

- b. Sewer service at 114th Street and Boise.

Mr. Larson referred to a diagram of the area under discussion and stated that a portion of the property has been annexed into the City of Apache Junction. Mr. Larson said that staff has recommended that the development be serviced by the Apache Junction Sanitary Sewer District rather than the City of Mesa.

Discussion ensued relative to concerns expressed by the applicant regarding the legality of allowing a private sewer district to provide service in Maricopa County and the need for the County to amend their 208 Plan, the fact that the sewer district's Board of Directors has discussed the possibility of amending the plan, and staff's recommendations that the City of Mesa not provide service to the proposed development and that the Utility Manager forward a letter to the service district indicating that Mesa would not object to the issuance of service.

Councilmember Kavanaugh indicated that he was not prepared to offer a motion for denial at this time and stated the opinion that alternate proposals submitted by the applicant, relative to the development of a private lift station, the placement of funds in an escrow account to be used by the City should the City be required to repair and/or manage the system, and contracting with the City to provide operation and maintenance of the private system, should be further explored.

Vice Mayor Gilbert expressed the opinion that the applicant should explore the feasibility of obtaining service from the City of Apache Junction and commented that everyone involved has expressed a willingness to assist the applicant in this process.

City Manager Charles Luster informed the Council that he has contacted the City Manager of Apache Junction who has indicated that the applicant would be able to receive the requested service.

It was moved by Vice Mayor Gilbert, seconded by Councilmember Giles, that the applicant's request be denied, as recommended by staff.

Upon tabulation of votes, it showed:

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

Mayor Brown declared the motion carried by majority vote.

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

- a. Crime Prevention Advisory Board meeting held November 19, 1997.
- b. Design Review Board meeting held November 17, 1997.
- c. Downtown Development Committee meeting held October 9, 1997.
- d. Parks and Recreation Board meeting held November 13, 1997.
- e. Utility Committee meeting held November 21, 1997.

It was moved by Councilmember Giles, seconded by Councilmember Pomeroy, that receipt of the previously listed minutes be acknowledged.

Carried unanimously

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

Mayor Brown advised that there were no reports on meetings and/or conferences attended.

6. Scheduling of meetings and general information.

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

Friday, December 5, 1997, 7:30 a.m. - Special Council Meeting

Friday, December 5, 1997, 7:45 a.m. - Council Study Session

Monday, December 8, 1997, 7:30 a.m. - Joint Meeting with the Mesa School Board

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

Mayor Brown advised that there were no prescheduled public opinion appearances.

8. Adjournment.

Without objection, the Study Session adjourned at 5:17 p.m.

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 1st day of December 1997. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 17th day of December 1997

BARBARA JONES, CITY CLERK