

COUNCIL MINUTES

November 27, 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 November 27, 2002 at 7:30 a.m.

COUNCIL PRESENT

Mayor Keno Hawker
Dennis Kavanaugh
Rex Griswold
Kyle Jones
Janie Thom
Claudia Walters
Mike Whalen

COUNCIL ABSENT

None

OFFICERS PRESENT

Mike Hutchinson
Debbie Spinner
Barbara Jones

1. Review items on the agenda for the December 2, 2002 Regular Council Meeting.

All of 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 the following:

The following items were removed from the consent agenda: 3a (Mayor Hawker).

The following items were deleted from the consent agenda: 5a.

2. Discuss and consider proceeding with the public process to review the proposed Hawes Loop Bike Trail.

Grants Coordinator Jerry Dillehay and Parks and Recreation Director Joe Holmwood addressed the Council relative to this agenda item.

Mr. Dillehay referred to the November 27, 2002 City Council Report and provided an historical overview of the Hawes Loop Trail. He also discussed the efforts of the Friends of the Tonto Ad Hoc Committee to address a variety of issues with the U.S. Forest Service regarding the potential loss of public recreational access at the Tonto National Forest. Mr. Dillehay explained that the purpose of today's presentation is to seek Council's conceptual approval to proceed with a project that could ultimately result in the City of Mesa acquiring an easement and developing a one-mile mountain bike connector trail known as the "Hawes Loop Trail."

Mr. Dillehay commented that the proposal that is being offered to the City of Mesa from land developer Sonoran Desert Holdings LLC is the donation of a public easement across the Las Sendas Reserve, a large section of undeveloped land to the east of the Las Sendas area, for the purpose of relocating the Hawes Loop Trail section. He added that the City would develop the easement with the assistance of local mountain biking clubs, and it would keep the existing 12-mile Hawes Loop Trail intact.

Mr. Holmwood commented that if the Council directs staff to proceed with the planning phase of the project, there are a series of steps that must be accomplished including the Parks and Recreation and Engineering staff conducting a feasibility study of the proposed trail alignment, fiscal impacts, management issues and overall "fit" within the recently adopted Parks and Recreation Master Plan. He noted that pending completion of staff's analysis, the matter would be forwarded to the Parks and Recreation Board for further review and public input from neighbors impacted by the trail proposal. Mr. Holmwood added that at the conclusion of the Board's review, staff would present the Council with a full project report and recommendations for consideration, and if the Council elected to proceed with the project, implementation would begin.

Councilmember Griswold expressed appreciation to staff, former Councilmembers Jim Davidson and Bill Jaffa, and the Friends of the Tonto Ad Hoc Committee for their efforts and hard work regarding this issue. He voiced support for the project and stated that a one-mile mountain bike connector trail would provide the City access to 12 miles of trails and added that it would be a valuable amenity for the entire community.

In response to a question from Vice Mayor Kavanaugh, Mr. Dillehay clarified that at this point in time, it is his understanding that the trail would be accessible for hikers, mountain bike riders and equestrian use, but that motorized bikes would be prohibited.

Councilmember Walters commended Councilmember Griswold, former Councilmember Jaffa and developer Jeff Blanford for their efforts relative to this matter.

In response to a question from Councilmember Walters, City Attorney Debbie Spinner advised that in the event volunteers from the local mountain biking clubs are injured during the trail's construction, their injuries would be covered under the City's Workers' Compensation Insurance. She explained that the City is liable for the safety of the trail pending its completion, and added that staff would be required to review the final project to ensure that it was constructed in a proper manner and that individuals who use the trail would not be injured due to faulty workmanship.

Councilmember Walters commented that although she is supportive of the project, she questioned its timing due to the City's current budget constraints. She suggested that perhaps the only action that the Council can take at this point is to grant a conceptual approval of the project and to direct staff to proceed with the various steps as outlined by Mr. Holmwood. Councilmember Walters also stressed the importance of assessing the City's liability issues and the type of supervision for the volunteer workers that would be required during the trail's construction.

Mayor Hawker concurred with Councilmember Walters' comments regarding the City's current budget constraints.

Councilmember Griswold commented that the Mountain Biking Association has a \$1 million insurance policy in place to cover its members who would participate in the construction of the trail. He also stated that the U.S. Park Rangers have agreed to supervise the workers during the construction phase of the project. Councilmember Griswold added that if the project is not constructed in the near future, it is inevitable that conflicts will occur between the mountain bikers and the individuals whose homes will be in the path of the riders.

Mayor Hawker declared that it is the consensus of the Council that staff begin a public process to move the project forward.

Mayor Hawker thanked staff for their presentation.

3. Discuss and consider the sale of excess real property.

Property Acquisition Supervisor Craig Crocker addressed the Council relative to this agenda item. He advised that while it is true that the City of Mesa owns over 1,200 parcels of property, as was recently reported in a local newspaper article, due to Maricopa County's property descriptions, the figure is somewhat misleading without correctly identifying what is actually owned by the City. Mr. Crocker stated that a parcel of land does not necessarily equate with a piece of property; that by way of illustration, the area where the Mesa Arts and Entertainment Center is located consists of 33 parcels assembled into one property, and that when the County asked the City of Mesa and other East Valley cities to correctly identify their property, the total number of parcels did not change, but that the County erroneously listed that the City owns 871 vacant parcels as opposed to the correct figure of 292 vacant parcels, of which 40 have been identified as separate sites.

Mr. Crocker explained that in the fall of 2001, Real Estate Services began to identify City-owned properties that could be available for sale and that staff compiled a comprehensive list which was distributed to various City departments for their suggestions and input. He advised that as a result of this process, the properties were divided into three categories: Available, Redevelopment Area, and Hold for Future Use or Sale. Mr. Crocker stated that at the conclusion of the property survey, ten properties were identified as being available excess property. (See Attachment) He added that this agenda item was presented at the October 17, 2002 Finance Committee meeting, at which time the members of the Committee unanimously approved staff's recommendation regarding the sale of the ten properties.

Discussion ensued relative to the fact that Management Policy 208 requires that the Council determines the most appropriate method for disposing of real property, including sealed bids, public auction, request for proposals, negotiated sales or leases, trades or exchanges, and other methods approved by the City Manager; that in order for the City to begin the sale of a property after the negotiation of a sales contract, staff must obtain Council direction to proceed; that with regard to the ten properties, it is the recommendation of staff that eight be sold through the services of a Realtor and that two be negotiated by Real Estate Services.

Mr. Crocker noted that with regard to Property #1 (northwest corner of 6th Avenue and Alma School) and Property #2 (northwest corner of 1st Place and Alma School), they are remnant properties from the Alma School Road widening project and too small to be developed individually. He commented that it is the opinion of the Transportation Department that the

locations do not have the necessary transit volume to warrant a bus stop. Mr. Crocker also stated that for the sale of all ten properties, it is estimated that the City could receive between \$4.5 million and \$5.4 million, and that the sale of Property #9 (6102 East McDowell Road) would comprise approximately 80% of that dollar volume. He added that Property #9 would require special marketing due to the terrain at that location.

Further discussion ensued relative to staff's criteria for the purchase and/or sale of a piece of property; that when the City buys properties, many already have improvements on the land (gas stations, houses) and, for example, prior to the commencement of an intersection widening project, staff must determine whether it is going to be a partial or full take; that if it is a partial take, the City pays for the value of the land that is required, but there could be damage to the remainder of the parcel if it is too small or the road is in close proximity to the building, and that it is necessary for staff to determine whether it is more cost effective to purchase an entire parcel or to pay for the land take and the severance damage against the improvements.

Mayor Hawker expressed appreciation to Mr. Crocker for his comprehensive and informative presentation.

Councilmember Walters acknowledged staff for their efforts and hard work relative to this agenda item. She commented that this issue came about last year at the Council's retreat and was identified as one of the Council's top priorities. Councilmember Walters stated the opinion that it is appropriate for the City to proceed with the marketing and sale of the ten properties.

It was moved by Councilmember Walters, seconded by Vice Mayor Kavanaugh, that staff's recommendations regarding the sale of excess City properties, be approved.

Vice Mayor Kavanaugh concurred with Councilmember Walters' comments and also thanked Mr. Crocker for correcting the misleading information contained in the previously mentioned newspaper article. He commended staff for their efforts to carefully analyze and identify which parcels are available for sale, redevelopment areas and to hold for future use or sale.

Councilmember Thom voiced a series of concerns regarding Property #1 and Property #2 and stated that she has received numerous comments from citizens regarding these properties. She stated that although it is the City's position that the properties should be sold to the adjacent property owner for a nominal fee, she suggested that because of the amount of public interest generated by these parcels, that they be sold at public auction.

In response to a question from Mayor Hawker regarding Property #1 and Property #2, Mr. Crocker clarified that it is the recommendation of Planning Director Frank Mizner not to rezone the parcels and that there is virtually no land use that would be applicable at those locations. He also stated that the properties would be disposed of through negotiated sales.

Councilmember Thom encouraged staff to obtain the highest price possible for the sale of Property # 1 and Property # 2 to prevent the City from taking a financial loss.

Mr. Crocker assured the members of the Council that staff would seek Council approval for the negotiated purchase price for each of the ten properties.

Further discussion ensued relative to possible land uses for Property #9.

Carried unanimously.

4. Acknowledge receipt of minutes of boards and committees.

- a. Board of Adjustment meeting held November 12, 2002
- b. Council Emergency Management Update meeting held October 11, 2002
- c. Historic Preservation Committee meeting held October 10, 2002
- d. Land Development Ad Hoc Committee meeting held August 20, 2002

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

Carried unanimously.

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

Vice Mayor Kavanaugh
Councilmember Whalen

Councilmember Griswold
Councilmember Walters
Councilmember Thom

Public Safety Fair held at Fiesta Mall.
East Valley Partnership Transportation Committee Meeting. State Land Department Meeting.
Dedication of San Tan Park.
Mesa Sports Hall of Fame Induction Breakfast.
Curriculum Advisory Committee Meeting at ASU-East.

6. Scheduling of meetings and general information.

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

Monday, December 2, 2002, 3:30 p.m. – Transportation Committee Meeting

Monday, December 2, 2002, TBA – Study Session

Monday, December 2, 2002, 5:45 p.m. – Regular Council Meeting

Thursday, December 5, 2002, 7:30 a.m. – Study Session Cancelled

Thursday, December 12, 2002, 7:30 a.m. – Study Session

Monday, December 16, 2002, TBA – Study Session

Monday, December 16, 2002, 5:45 p.m. – Regular Council Meeting

7. Prescheduled public opinion appearances.

There were no prescheduled public opinion appearances.

8. Items from citizens present.

There were no items from citizens present.

9. Adjournment.

Without objection, the Study Session adjourned at 8:35 a.m.

KENO HAWKER, 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 27th day of November 2002. I further certify that the meeting was duly called and held and that a quorum was present.

BARBARA JONES, CITY CLERK

pag
Attachment