



# COUNCIL MINUTES

October 16, 2003

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 16, 2003 at 7:30 a.m.

## COUNCIL PRESENT

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

## COUNCIL ABSENT

Claudia Walters

## OFFICERS PRESENT

Mike Hutchinson  
Debbie Spinner  
Debra Dollar  
Paul Wenbert

(Mayor Hawker excused Councilmember Walters from the meeting.)

1. Discuss, consider and make recommendations concerning potential changes to the Mesa City Charter to be placed on the March 9, 2004 Primary Election ballot.

Special Assistant to the City Manager/Mayor Eric Norenberg addressed the Council relative to possible changes to the *Mesa City Charter* that, if approved by the Council, would be placed on the March 9, 2004 Primary Election ballot.

Mr. Norenberg referred to Section 201 (A) 5 of the *Charter* relative to "City Council Composition, Eligibility, Terms and Elections," and noted that the original proposal was to remove a phrase that is potentially in conflict with Department of Justice guidelines regarding the *Voting Rights Act* and replace the wording with:

If redrawing district boundaries removes the residence of an incumbent Councilmember from the district that he was elected to represent, he may complete the full term for which he was elected to serve.

Mr. Norenberg stated that in earlier discussions the Council had expressed concern relative to the impact of future population growth in East Mesa that would shift district boundaries further to the east.

City Attorney Debbie Spinner stated that there was no clear legal answer relative to whether a Councilmember would be required to resign his/her position in one district in order to campaign for the second. She noted that case law clearly states that a Councilmember seeking election

to a State or County Office would have to resign unless he was in the last year of the term of office and that a Councilmember seeking reelection to the same office would not have to resign. Ms. Spinner reviewed the implications of the "Resign to Run" statute including the fact that the *City Charter* states that a Councilmember who resigns would not be eligible for reelection until one term of office has passed. She suggested that if the Council proposes to change the residency requirement to one year, an exception could be added stating that if a Councilmember must resign his/her position to seek office in a new district as a result of redistricting, the residency requirement would be waived.

In response to a question from Mayor Hawker, Ms. Spinner explained that for the purpose of term limits, the *Charter* states that when only a partial term has been served, that time would not count against the limit and the Councilmember could serve two full terms in addition to the partial term served prior to redistricting.

Ms. Spinner concurred with comments made by Councilmember Griswold that once elected, Councilmembers serve the entire City and requiring the resignation of a Councilmember due to redistricting was not a logical approach. She noted that the courts would make a decision only when the law is challenged.

Discussion ensued relative to the impact of reducing the residency requirement to six months or stating that residency was required at the time papers were filed; that an option was to require residency six months prior to being sworn into office; that the one-year residency requirement would refer to residency in Mesa with a six-month residency in the district; and that staff was requesting direction from the Council in order to prepare the ordinances.

Mr. Norenberg reported that Glendale and Peoria have district systems similar to Mesa and stipulate a one-year residency in the City with no mention of a district residency requirement. He added that Phoenix requires residency in the district at the time nominating petitions are filed, and a candidate cannot seek election in more than one district. Mr. Norenberg noted that Option A in the Council Report has a requirement of a one-year residency.

Councilmember Whalen stated the opinion that requiring a one-year residency in the City seemed reasonable and suggested that the Council adopt Section 201, Option A.

Mr. Norenberg clarified that Option A was listed on page 4 of the Council Report.

Further discussion ensued relative to the fact that residency within a district is not addressed in this option; that Option A reduces the amount of time before a Councilmember's resignation is required to enable a Councilmember affected by redistricting to seek elective office in the new district; that the intent of the law is that the primary residence be in the district represented by the Councilmember; and that the election of a person who just moved into the district was a decision to be made by the voters.

In response to a series of questions, Ms. Spinner stated that she would research the timeframe in which the City must take redistricting action following a ten-year census, and that she would review the law regarding keying election cycles to the process of redistricting.

It was moved by Councilmember Whalen, seconded by Councilmember Thom, to adopt Option A, items 1 and 2, as stated on page 4 of the Council Report:

1. Each candidate for Mayor must have been a resident of the City or annexed area for at least one (1) year immediately preceding his filing nomination papers, and shall continue residence in the City for the term for which such candidate is elected.
2. Each candidate for one (1) of the six (6) Council positions must have been a resident of the City or annexed area for at least one (1) year immediately preceding his filing nomination papers, and shall continue such residence therein for the term for which such candidate is elected, except as provided in section 201.A.5.

Upon tabulation of votes, it showed:

AYES - Hawker-Thom-Whalen-Jones-Griswold  
NAYS - Kavanaugh  
ABSENT- Walters

Mayor Hawker declared the motion carried by majority vote of those present.

Additional discussion ensued relative to the fact that a redistricted Councilmember could choose to complete the term without running for office, but if a new Councilmember was elected for that district in the normal election cycle, the newly elected Councilmember would replace the redistricted Councilmember.

Mayor Hawker confirmed to staff that the option adopted by the Council applies to the Councilmembers as well as the Mayor.

Councilmember Thom noted that following the most recent redistricting, Districts 5 and 6 continue to be more populated than the others. She suggested that at the time of the next redistricting a margin of growth be factored into the equation to allow for expansion in the eastern part of Mesa.

Mayor Hawker noted that factoring in a margin of growth was a subject best addressed in ten years when the next redistricting would be scheduled. He referred to Section 201 and suggested the following language: "If the redrawing of the district boundaries removes the residency of an incumbent Councilmember from the district he was selected to represent, he may complete the full term for which he was elected to serve."

It was moved by Councilmember Whalen, seconded by Vice Mayor Kavanaugh, to adopt the suggested language under 2.1 at the bottom of page 1 of the Council Report, that states: "if redrawing district boundaries removes the residence of an incumbent Councilmember from the district that he was selected to represent, he may complete the full term for which he was elected to serve."

Mayor Hawker declared the motion carried unanimously by those present.

In response to a series of questions from Mayor Hawker regarding Section 209 (at the top of page 5 of the Council Report), Mr. Norenberg stated that the same procedures for calling a

meeting would remain in place and that the intent of the change was to enable the Council to meet only once in August.

City Manager Mike Hutchinson explained that staff makes an effort to schedule Council Meetings for the first and third Mondays of each month when possible, but occasionally the schedule has to be adjusted due to holidays. He noted that this proposal would provide scheduling flexibility in the summer months.

In response to Mayor Hawker's concern that a change to the meeting schedule would impact Planning and Zoning and Design Review, Mr. Hutchinson advised that some cities in the Valley have only one meeting, and he noted that Phoenix has a meeting in July and their next meeting is held after Labor Day. Mr. Hutchinson stated that systems are in place to inform the development community and others regarding the timetable.

Discussion ensued regarding the fact that the proposed change may be perceived by citizens as an effort by the Council to decrease their workload; that a monthly meeting could be many hours in duration; that the change would allow time to schedule vacations in August; that the scheduling problems in the current year resulted from a change in the school calendar; and that historically Council meetings have been held on the first and third Mondays of each month and citizens are aware of this schedule.

It was moved by Councilmember Whalen, seconded by Councilmember Jones, that Section 209 of the *City Charter* remain unchanged.

Mayor Hawker declared the motion carried unanimously by those present.

Mr. Norenberg addressed the proposed change to Section 211 that adds the word "substantive" and reads: "However, if the ordinance is amended in any **substantive** manner, the Council shall not adopt it until the ordinance and its amended sections have been subjected to all the procedures required in the case of a newly introduced ordinance." He noted that previous Council discussions focused on the definition of "substantive" and that the City Attorney has proposed two sentences (located near the bottom of page 5 of the Council Report) to be inserted into the *Charter*:

For purposes of this section, a change shall not be considered a substantive change as long as the intent of the original ordinance is not changed and the public was provided adequate notice of the intent of the proposed ordinance, as amended.

If a non-substantive change is recommended, the ordinance must either be approved by a three-quarters vote of the Council or must be subjected to all the procedures required in the case of a newly introduced ordinance.

Ms. Spinner advised that an ordinance with a grammatical or typographical error could move forward under the current provision. She explained that a non-substantive change might be an ordinance drafted for a six-foot wall when all parties to the case were aware of and in agreement that the wall was to be eight feet. Ms. Spinner continued that a substantive change would be an ordinance drafted for an eight-foot wall when height of the wall was an issue and discussion throughout the process centered on a six-foot wall. She confirmed that a non-

substantive change would have to be approved by a three quarters vote of the Council. Ms. Spinner added that a party impacted by the ordinance could initiate a court challenge to any non-substantive change approved by a three-quarters vote of the Council.

In response to Mayor Hawker's request for another example, Acting Planning Director Dorothy Chimmel stated that the Coyote Landing case recently considered by the Council was a good example of a "non-substantive" change. She explained that the building footprint changed resulting in additional building types, but the neighbors were in support of the changes and therefore the project was not referred back to the Planning and Zoning Board. Ms. Chimmel advised that the recent ordinance regarding scrolling signs was not corrected in sufficient time to reflect whether the scrolling was "up and down" or from "side to side," and therefore, the approval process had to be repeated due to the fact that the change was "substantive."

Ms. Spinner noted that each case would be reviewed to determine if the change was "non-substantive" or "substantive."

It was moved by Councilmember Griswold, seconded by Mayor Hawker, that the proposed changes to the language in Section 211 regarding "substantive" changes (as stated above) to an ordinance be approved and moved forward for consideration by the electorate.

Upon tabulation of votes, it showed:

AYES - Hawker-Griswold  
NAYS - Thom-Whalen-Kavanaugh-Jones  
ABSENT - Walters

Mayor Hawker declared the motion failed by a majority vote of those present.

Mr. Norenberg stated that the next item for Council consideration was Section 211 (E) relative to changing the number of days on which legal notices can be published from one to two. He advised that the purpose of the change was to provide staff with flexibility in the event of a missed publication date or a typographical error. Mr. Norenberg explained that the publication dates would be identified in the resolution.

In response to a comment from Mayor Hawker, Ms. Spinner clarified that Subsections D and E must be read together and noted that "publish" is defined in Subsection D as follows: "... to print one (1) time in one (1) or more newspapers..."

It was moved by Vice Mayor Kavanaugh, seconded by Mayor Hawker, to accept the proposed changes to Section 211, Subsections D and E, to enable a second publication date for legal notices in the event of an error.

Ms. Spinner responded to additional comments from the Councilmembers by stating that the dates of publication would be addressed in the resolution; that the publication would occur on either of two days; that in the event a notice has to be republished, the wording of the most recent publication of the notice would be considered by the Council; and that the proposed change would not impact the cost of publication due to the fact that the present wording in the *City Charter* requires that a corrected notice be published in the event of an error.

Discussion ensued relative to the fact that the March ballot may be extremely long; that the citizens may perceive that the Council is proposing too many changes to the *City Charter* and may decide to vote against all proposed changes; that the purpose of the proposed changes are to provide flexibility to all and to avoid unnecessary delays in zoning cases; that the proposed language could be clarified to state that there would be a primary publication date and an alternate date of publication, if necessary; and to avoid concern about publishing costs, the language should specifically state that publication is intended for only one day.

Councilmember Whalen requested that staff provide information on the cost of additional ballot pages for these items.

Vice Mayor Kavanaugh stated that Subsection E should be rewritten and stated he would withdraw his motion.

Mr. Hutchinson advised that staff would rewrite the subsection to clarify the intent of the Council and provide the Council with the costs of additional ballot pages required for these items.

Mr. Norenberg stated that changes to Section 401 were previously discussed by the Council. He noted that the change in language was required to be in accordance with State law and reads as follows, "The City Council shall establish fixed terms for City Magistrates by ordinance" and replaces "Magistrates shall serve at the pleasure of the Council."

It was moved by Councilmember Whalen, seconded by Vice Mayor Kavanaugh, to approve the proposed language change to Section 401.

Mayor Hawker declared the motion carried unanimously by those present.

Mr. Norenberg stated that Sections 403 and 404 address a title modification that was previously discussed by the Council.

It was moved by Councilmember Whalen, seconded by Vice Mayor Kavanaugh, that titles in Sections 403 and 404 be changed to reflect the title Human Resources Director rather than Personnel Director.

Mayor Hawker declared the motion carried unanimously by those present.

Mr. Norenberg stated that the change to Section 405 was to designate Planning as a division within the Development Services Department. He also clarified that organizationally divisions are units within a department.

It was moved by Councilmember Griswold, seconded by Vice Mayor Kavanaugh, to accept the recommended changes to Section 405, subject to a review of the length of the ballot.

Mayor Hawker declared the motion carried unanimously by those present.

Mr. Norenberg advised that Section 501, Boards & Commissions, dealt with the issue of non-residents serving on select technical advisory boards in cases where the individual has specific expertise and qualifications. He noted that Boards and Committees established under Section A are subject to residency requirements, but this requirement does not necessarily apply to Ad

Hoc Boards and Committees. Mr. Norenberg stated that the proposed changes in Section B are based on previous Council discussions.

Councilmember Whalen expressed the opinion that the timing was inappropriate for this item due to the fact that 501(A) references Police Review Boards. He noted that the Council presently has the authority to appoint ad hoc committees.

It was moved by Councilmember Whalen, seconded by Councilmember Griswold, that Section 501(A) remain unchanged.

Mayor Hawker declared the motion carried unanimously by those present.

Mr. Norenberg stated that Section 609 required clarification and a revision to Section F regarding electronic purchasing. He referred to page 10 of the Council Report and said he would review the changes:

- Section 609(A) Improvements. The word “capital” was added to clarify that the reference is to capital improvements.
- Section 609(D) changes the definition of “emergency” to be consistent with the definition used in the ordinance section.
- Section 609(E) on cooperative purchasing clarifies the partnerships under which the City could participate in cooperative purchasing agreements.
- Section 609(F) regarding online purchasing and the Internet was reworded to refer to “electronic” technology so that use of any future technologies would be included.
- Section 609(G) regarding inflation was changed by adding the words, “increase by ordinance” to clarify under what circumstances the indexing of purchasing limits could be made by the Council.

Mayor Hawker questioned the wording of the last line on page 10 under Cooperative Purchasing (E), which reads, “Any cooperative purchasing agreement exceeding the dollar limit for City Council approval shall be approved prior to commencing any purchase.” He noted that the same wording does not appear in the section under Electronic Purchases.

Mr. Norenberg advised that the Electronic Procurement section is primarily concerned with how the bids are received rather than how a transaction is conducted. He explained that electronic bids would be brought to the Council for approval for purchase if the amount exceeded the \$10,000 limit.

Discussion ensued relative to the fact that the wording should clarify the City’s intent to use electronic bidding to solicit offers rather than being used for purchase and that staff’s intent was to make people aware that the City will accept bids via the Internet for a particular item.

Councilmember Thom suggested a change to the wording in Section D under Emergency Procurements: “Any emergency procurement exceeding the dollar limit for the City Council approval shall be scheduled for discussion at the next reasonable available City Council

Meeting.” She recommended that the wording be changed to “scheduled for consideration” rather than “scheduled for discussion.”

Mr. Hutchinson explained that this wording was to cover any unexpected expenditure that might be required in a crisis situation and the word “consideration” might not be appropriate, as the needed purchase would most likely have already been consumed.

Mayor Hawker stated that his interpretation was that the City Manager or his designee could spend funds in the event of a disaster and then provide a full report at the next Council Meeting. He noted that in the event of a disaster, he would not want to hinder the ability of the City to acquire the appropriate and necessary resources.

In response to questions from Councilmember Whalen, Ms. Spinner stated that emergency authority is not specifically spelled out, but the City could argue that the City Manager could act in an emergency in order to preserve the health, safety and welfare of the citizens.

Councilmember Whalen expressed the opinion that the timing was not appropriate on this issue and suggested that this change be considered for 2006.

Ms. Spinner explained that presently any expenditure over \$10,000 must be brought before the Council, so there is no express authority regarding an emergency expenditure.

It was moved by Councilmember Whalen that in the event of an emergency, a special meeting of the Council would be called to authorize any expenditure over the \$10,000 limit.

Further discussion ensued relative to the fact that a special meeting could be called in the event of an emergency; that in the event of a terrorist attack, a delay in the expenditure of emergency funds could be hazardous; and that adding this item could make the ballot too voluminous and expensive.

Councilmember Thom concurred with Councilmember Griswold that this proposed change contains many important items and should go forward. She expressed the opinion that the length of the ballot should not be a matter of consideration. Councilmember Thom also expressed her support for employing electronic bidding, but stated that she would like to have Section G removed.

In response to Councilmember Griswold’s question regarding the use of CPI, Councilmember Thom expressed the opinion that an adjustment for inflation was being accomplished by raising the procurement approval level from \$10,000 to \$25,000. She added that the Council should not have the authority to adjust that figure.

Mayor Hawker noted that any change in the future from \$25,000 would require another change to the *City Charter*. He added that if the \$25,000 figure was adjusted for inflation, the number could be an odd amount of dollars and cents.

Councilmember Whalen said he would withdraw his motion.

Mayor Hawker explained that the item before the Council was to consider the proposed changes to Section 609 with the deletion of Subsection G (the adjustment for inflation) and

replacing the word "procurement" with "bidding" or another appropriate term in Subsection F in order to clarify the intent.

It was moved by Councilmember Whalen, seconded by Councilmember Griswold, to move forward the changes to Section 609 without Subsection "G," rewording Subsection "F" to replace the word "procurement" to clarify the intent and keeping all of Subsection "D" in place.

Mayor Hawker declared the motion carried unanimously by those present.

Mr. Norenberg advised that the proposed language in Section 701 changes the term "Absentee Voting" to "Early Voting" in order to align the *City Charter* with State Statutes. He stated that the change to Section 903 would provide an extra 30-day notice regarding *Charter* Amendments from 90 days to 120 days.

In response to Councilmember Thom's suggestion that a photo identification requirement for an Early Ballot be added to Section 701, Ms. Spinner expressed concern relative to the fact that the City could not legally place additional burdens on the voter other than what State law has imposed. She advised that she would investigate the subject further, but she did not believe the City has legal authority to impose such a requirement.

Councilmember Thom clarified that she would like to pursue requiring any request for an early ballot to be notarized, and she noted that a Statewide initiative is also being proposed to accomplish that.

Discussion ensued relative to the fact that if a Statewide initiative passes, the City of Mesa would be required to conform; that State law preempts the *City Charter*, and that the issue of voting rights is subject to State law and the City cannot impose more severe restrictions.

Vice Mayor Kavanaugh concurred with Ms. Spinner's remarks.

It was moved by Councilmember Whalen, seconded by Vice Mayor Kavanaugh, that staff be directed to move forward with the proposed changes to Sections 701 and 903.

Mayor Hawker declared the motion carried unanimously by those present.

Mr. Norenberg stated that the ordinance would be prepared and introduced at the next Council Meeting on October 27 for potential approval on November 3, 2003.

2. Discuss and consider the proposed City of Mesa Drought Management Plan.

Utilities Manager Dave Plumb presented the *Drought Management Plan 2003* (Copy on file in City Clerk's Office) for discussion and consideration by the Council. He outlined the purpose, background and plan relative to managing the existing drought and contingencies for the future. Mr. Plumb presented information regarding the various stages of drought that would be declared by action of the City Council on recommendation of the Utilities Department Manager and indicated the criteria for each stage:

- Stage 1      A surface water shortage occurs or is predicted and the City of Mesa continues to meet the demand, but may require internal water reductions along with increased community education.
- Stage 2      SRP combined water deliveries are cut to less than 1.5 acre-feet and/or Indian Lease water is cut to 80% of the amount used in the most recent drought year, but the City of Mesa continues to meet demand with voluntary water demand management strategies implemented for all water customers.
- Stage 3      SRP combined water deliveries are cut to less than 1 acre-foot and/or Indian lease water is cut to 60% of the most recent drought year, but the City continues to be capable of meeting demand through remaining supplies. Mandatory water demand management strategies may be implemented for all water customers.
- Stage 4      Water deliveries are insufficient to meet projected water demand and mandatory water use restrictions are implemented to insure that the basic needs of residents and businesses will be met.

Water Resources Coordinator Kathryn Sorensen asked if the Council had any questions regarding the *Drought Management Plan*.

In response to Mayor Hawker's question as to how Mesa's *Plan* compared to that of other cities, Mr. Plumb stated that the City of Mesa's water resource portfolio is different from other entities. He noted that the plans of other cities are targeted toward a reduction of flows in the Colorado River, but Mesa's plan targets the various stages to reductions in Salt River Project (SRP) water or Central Arizona Project (CAP) water rather than a general drought on the Colorado River plateau.

Mayor Hawker stated that the City has significant percolation credits and asked what the cost difference was between pumping groundwater and using the existing SRP and CAP resources.

Ms. Sorensen stated that there is great deal of fluctuation in the cost to pump groundwater as the cost of energy and other factors have to be considered. She stated that the most recent figure that she was aware of was approximately \$117 an acre-foot for the energy-related cost only and that figure does not include operations or maintenance expense. Mr. Sorensen noted that CAP water in 2004 will cost \$106 an acre foot, but does not include treatment costs of \$30 to \$40 an acre-foot. She added that SRP water is much less expensive at a cost of \$10 an acre-foot and will be increasing in 2004 to \$10.50 an acre-foot. Ms. Sorensen stated that treatment of the SRP water at the Val Vista Treatment Plant is the most cost effective method.

In response to Councilmember Thom's question as to whether the City of Mesa could supply all of the City's water needs with groundwater, Mr. Plumb stated that from a resource standpoint there is sufficient water, but based on the location of wells, he did not believe the City had the pumping capability to supply that water. Mr. Plumb added that he would research the subject further. He noted that the SRP website reports indicate that last year the Salt River and Verde River reservoir system was at 27% of capacity, and reported that it is up to 40% capacity this year.

Ms. Sorensen added that Mesa's on-project pumping capacity is about two-thirds of peak demand, which is a very large number, and off-project the pumping capacity is somewhat less than that. She noted that Mr. Plumb was referring to the existence of plumbing problems in moving the water to where the water is needed.

Ms. Sorensen presented information on *Drought Management Strategies 2004* (Copy on file in City Clerk's Office) including an update on current conditions, the projected outlook for drought conditions, and the status of water supplies and customer demand. She advised that Mesa's supply of water was not anticipated to decrease in 2004. Ms. Sorensen outlined the best, the worst and the most likely case scenarios relative to the availability of water to the City of Mesa. She summarized that the City did not anticipate any problems in meeting customer demand even if the drought continued indefinitely; that reliance on water from SRP minimizes current costs during hard economic times; that the drought would cost Mesa between \$0 and \$260,000 in 2004; and that an increase in water rates was not necessary at the present time.

Councilmember Whalen stated that when agriculture is retired, there are water rights available. He noted that Phoenix has entered into development agreements with landowners to obtain the rights to less expensive SRP water. He asked whether the City of Mesa has pursued any of these rights.

Ms. Sorensen advised that Mesa is substantially built out, and there were only 2500 to 3000 acres in Mesa with potential water rights that could be converted. She noted that conversion was not a perpetual right to water, but a bank of extra credits. Ms. Sorensen advised that historically Mesa did not pursue these agreements, but she was unsure of the reason. She added that this type of action could be considered in the future, but based on the limited number of acres available, it might not be cost effective.

In response to a series of questions from Mayor Hawker, Ms. Sorensen noted that when the Groundwater Management Act was passed in 1980, groundwater allowance credits were granted to the cities to assist in the transition from groundwater dependency to surface water dependency. She advised that Mesa has 560,000 acre-feet of credits available to be pumped without a recharge requirement. Ms. Sorensen stated that in the year 2025 when Mesa reaches safe yield as required by the Groundwater Code, she was unsure what would happen to these credits. She confirmed that the credits were a valuable resource, and said she has been working with Controller Kathy Pace to quantify the value of these credits in terms of them being an asset for the City of Mesa.

Mayor Hawker noted that some possibilities exist to work cooperatively with RWCD (Roosevelt Water Conservation District) and utilize their canals for percolation basins.

Ms. Sorensen stated the City was investigating the possibility of accomplishing recharge in the East Maricopa Floodway and then using the RWCD canal to transport the water for recharge purposes.

In response to a comment from Councilmember Thom, Mr. Plumb noted that some homeowner associations have suspended their green lawn requirement during the current drought.

Vice Mayor Kavanaugh expressed the opinion that proper planning has been of great benefit to the City of Mesa in terms of water rights, reserves and resources. He complimented staff for their efforts.

In response to a series of questions from Councilmember Whalen, Ms. Sorensen stated that SRP and RWCD do most of the pumping on the canals. She added that the City of Mesa pumps about 10% of the annual demand due to plumbing problems, and SRP will pump 300,000 acre feet and RWCD will pump about 50,000 acre feet this year. Ms. Sorensen noted that the aquifers are sufficient for many years, but the City will have to be careful not only to maintain well capacity, but also well treatment capacity. She added that as a result of the Groundwater Management Code and the demand for the City to reduce pumping, water levels in the East Valley have risen hundreds of feet in certain places. Ms. Sorensen was confident that sufficient water existed, but said the City should insure that the quality of the water is appropriate.

Mr. Plumb advised that the City of Mesa does not pump water into the canals. He added that an important way the City balances water resources against the needs of the citizens is by encouraging conservation programs.

Resources Division Director Frank McRae stated that water conservation education is an important part of the City's plan. He explained that residential outdoor consumption represents the greatest opportunity to eliminate waste and increase conservation. Mr. McRae noted that as a result of budget constraints, the City has sought strategic partners, such as a program in September with Home Depot that was funded by SRP entitled, "A Hundred Ways in 30 Days." He added that the City provides answers to "frequently asked questions" on the website. Mr. McRae stated that programs in the schools include puppet shows and the calendar contest, which is in large part underwritten by the Bureau of Reclamation, and that curriculum materials are provided to teachers. He also noted that the City works closely with multi-family housing entities. Mr. McRae said that the internal water management assessment has identified simple, low-cost methods to change water practices and added that rain sensors for irrigated turf have saved a tremendous amount of money with very little cost to the City. Mr. McRae stated that the City reviews the "best practices" of other cities in the Western U. S. to learn how they moved from voluntary to mandatory programs.

In response to a question from Mayor Hawker, Mr. McRae stated that as drought stages evolve and necessitate a change, the best practices of other cities would be proposed for inclusion in the Mesa plan and brought before the Council for consideration.

It was moved by Vice Mayor Kavanaugh, seconded by Councilmember Thom, to accept the Drought Management Plan for 2003 as presented.

Mayor Hawker declared the motion carried unanimously by those present.

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

The following members of the Council provided brief updates on various meetings/conferences they attended as follows:

Mayor Hawker

Transportation Policy Committee

Councilmember Whalen

Valley Metro Rail Board Meeting

Councilmember Griswold

Mesa Community College Meeting

Councilmember Jones

Community Bridges Groundbreaking  
Ceremony

4. Scheduling of meetings and general information.

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

Thursday, October 23, 2003, 7:30 a.m. – Study Session

Monday, October 27, 2003, TBA – Study Session

Monday, October 27, 2003, 5:45 p.m. – Regular Council Meeting

Thursday, October 30, 2003, 7:30 a.m. – Study Session

Thursday, October 30, 2003, 9:30 a.m. – Fire Committee

5. Prescheduled public opinion appearances.

Mr. Bill Everson, 3737 E. Hopi Avenue, representing the Mesa Fraternal Order of Police, stated he was present to request that the Council consider placing a *City Charter* change amendment on the election ballot (see Attachment 1). He referenced Article 2, Section 205, and requested the elimination of Section D which prohibits collective bargaining or entering into agreements with City employees and organizations. Mr. Everson noted that the change was a simple one, and he requested that the item be placed on the October 27th Council agenda.

Ms. Spinner responded to Mayor Hawker's question regarding timing by stating that the ordinance would have to be introduced at the October 27, 2003 meeting for consideration by the Council on November 3, 2003.

Councilmember Whalen noted that this was a substantial change to the *City Charter*. He asked staff to provide a report on the impact of the proposed amendment as well as a report from the Freeholders relative to the reasoning for the wording of this item in the *City Charter*. There was consensus expressed by the Councilmembers to place this item on the agenda for the October 27, 2003 meeting.

6. Items from citizens present.

None

7. Adjournment.

Without objection, the Study Session adjourned at 9:55 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 16<sup>th</sup> day of October 2003. I further certify that the meeting was duly called and held and that a quorum was present.

\_\_\_\_\_  
BARBARA JONES, CITY CLERK

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Attachment (1)