

COUNCIL MINUTES

May 29, 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 May 29, 2003 at 7:30 a.m.

COUNCIL PRESENT

Rex Griswold
Kyle Jones
Denis Kavanaugh
Janie Thom
Claudia Walters
Mike Whalen

COUNCIL ABSENT

Keno Hawker

STAFF PRESENT

Mike Hutchinson
Debbie Spinner
Barbara Jones

Vice Mayor Kavanaugh excused Mayor Hawker from the meeting.

1. Review items on the agenda for the June 2, 2003 Regular Council meeting.

All of the items on the agenda were reviewed among Council and staff and the following was noted:

Conflicts of interest declared: None

Items placed on the consent agenda: None

Items removed from the consent agenda: 6k, 7d, 7e, 8g, 9b

2. Discuss and consider various issues associated with the FY 2003/04 and FY 2004/05 Budget Plan.

Deputy City Manager Debra Dollar addressed the Council relative to this agenda item. Ms. Dollar reported that since the Council's last budget briefing, staff has incorporated several recommendations of Council in the FY 2003/04 tentative budget that were initially excluded. She stated that those items include additional Arizona State Retirement System (ASRS) contributions, the purchase of a Fire Department ladder truck, and the inclusion of a Boeing bus route.

Budget Director Jamie Warner distributed copies of a document entitled "City of Mesa, Arizona Tentative Budget For Fiscal Year Ending June 30, 2004" and provided the Council with a brief overview of the item. (See Attachment 1.) He explained that per State law, when the tentative budget is adopted, it establishes the maximum amount that is allowable in the City's budget for

final adoption on June 30, 2003. He added that the budget figures may be lowered, but never increased once the tentative budget has been approved.

In response to a question from Vice Mayor Kavanaugh, Mr. Warner clarified that the tentative budget also includes the Council's revised recommendations to lower utility rate increases to 4% as opposed to the originally submitted 5%, on average, in the preliminary budget.

3. Discuss and consider a land donation for the Hawes Loop Trail.

Parks and Recreation Management Support Administrator Tim Barnard addressed the Council relative to this agenda item. He displayed a map in the Council Chambers and briefly highlighted the location of the Hawes Loop Trail, a network of trails that will provide access into the Tonto National Forest. (See Attachment 2.) Mr. Barnard reported that today's presentation is an update to the March 13, 2003 Study Session wherein the Council directed staff to proceed with the relocation of a hiking and biking trail in northeast Mesa. He noted that with the development of the Las Sendas subdivision, the terminus of Hawes Road was gated to keep public traffic from entering into the community, and added that although it did not eliminate access to the trail, the trail users expressed concerns with regard to continued access with the ongoing development of Las Sendas.

Mr. Barnard commented that in an effort to resolve the issue, ongoing discussions have transpired between staff and the landowner, Las Sendas Community Association. He noted that the landowner has proposed the following options to the City for the acquisition of the trail: 1.) Acquire the entire 80 acres of mountain area owned by Las Sendas. Additionally, the City will also need to obtain a public ingress/egress easement from Hawes Road to a City of Mesa water storage tank located in the area and the Las Sendas property; or 2.) Acquire only the land needed for the trail and build a fence separating the trail from the remaining mountain area. Mr. Barnard added that it is also the recommendation of staff that a topographical survey and an environmental assessment be completed prior to the acquisition of the trail.

Mr. Barnard informed the Council that the City Attorney's Office, which has also provided assistance with regard to the project, has indicated that as far as liability exposure, the recreational use statute would apply. He noted, however, that it may not protect the City if the trail is not built in compliance with U.S. Forest Service standards or if it is not properly maintained. Mr. Barnard added that the City is partnering with the Mountain Bike Association of Arizona (MBAA) and the Forest Service to ensure that the trail not only is constructed to the necessary standards, but also meets the legal liability requirement.

Mr. Barnard further commented that the Council has three alternatives to consider regarding this matter: Alternative 1. To accept 80 acres of donated mountain area as requested by the landowner. In this case, the City will not be required to design and construct a fence along the trail; Alternative 2. To accept only the amount of land needed for construction of the trail and a fence along both sides of the trail (approximately 4.8 acres), and Alternative 3. Not to relocate the existing trail and thereby eliminate access to the Tonto National Forest from this point.

Discussion ensued relative to the construction and maintenance costs for the two options proposed by the landowner.

In response to a question from Councilmember Walters, Mr. Barnard clarified that the proposed annual maintenance costs for the 80-acre parcel (\$15,000 per year) could be defrayed through the volunteer efforts of various private nonprofit groups in the community. He estimated that with such assistance, the maintenance costs could be reduced to approximately \$10,000 annually.

Councilmember Griswold expressed appreciation to the City Attorney's Office for their efforts and hard work in researching the City's liability exposure relative to this matter.

Councilmember Thom commended Councilmember Griswold for his assistance and participation in this ongoing project. She noted that the Hawes Loop Trail relocation will provide many hiking and biking enthusiasts the opportunity to enjoy the Tonto National Forest area for many years to come. Councilmember Thom also suggested the possible establishment of an "Adopt A Trail" program, whereby various citizen organizations would volunteer to maintain the trail.

It was moved by Councilmember Griswold, seconded by Councilmember Walters, that Alternative 1 (To accept 80 acres of donated mountain area as requested by the landowner), be approved.

Vice Mayor Kavanaugh declared the motion carried unanimously by those present.

Vice Mayor Kavanaugh thanked staff for the presentation.

4. Acknowledge receipt of minutes of boards and committees.

- a. Board of Adjustment meeting held April 8, 2003.
- b. Design Review Board meeting held May 7, 2003.
- c. Human Relations Advisory Board meeting held April 23, 2003.
- d. Parks and Recreation Board meeting held May 8, 2003.

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

Vice Mayor Kavanaugh declared the motion carried unanimously by those present.

5. 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:

Councilmember Walters
Councilmember Thom
Vice Mayor Kavanaugh

Volunteer Tax Assistance Award Program
Augusta Ranch Annual HOA Meeting
Dobson Ranch Park Concert; MAG Regional
Council Meeting

6. Scheduling of meetings and general information.

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

Monday, June 2, 2003, TBA – Study Session

Monday, June 2, 2003, 5:45 p.m. – Regular Council Meeting

Thursday, June 5, 2003, 7:30 a.m. – Study Session

Thursday, June 12, 2003, 7:30 a.m. – Study Session

Thursday, June 12, 2003, 8:15 a.m. – Police Committee 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 8:25 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 29th day of May 2003. I further certify that the meeting was duly called and held and that a quorum was present.

BARBARA JONES, CITY CLERK