

COUNCIL MINUTES

August 30, 1999

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 August 30, 1999 at 4:40 p.m.

COUNCIL PRESENT

Mayor Wayne Brown
Jim Davidson
John Giles
Keno Hawker
Bill Jaffa
Dennis Kavanaugh
Pat Pomeroy

COUNCIL ABSENT

None

STAFF PRESENT

C.K. Luster
Kim Allen
Don Ayers
Joan Baier
Wayne Balmer
Neal Beets
Denise Bleyle
Dan Brewer
Candace Cannistraro
Tanya Collins
Fred Conway
Jo Cooper
Bob DeLeon
Luigi Digirolamo
G. T. Fowler
Jack Friedline
John Gendron
Penny Griffin
Joe Holmwood
Mike Hutchinson
Barbara Jones
Kari Kent
Ron Krosting
Rich Lorig
Greg Marek
Jeff Martin
Amanda Mattice
Tom Mattingly
Frank Mizner

Dick Mulligan
Keith Nath
Joe Padilla
Ellen Pence
Bill Petrie
Don Pfohl
Bryan Raines
Andrea Rasizer
Andy Reinhardt
Tom Remes
Becky Richardson
Jenny Sheppard
Jan Strauss
Kim West
Michael Whalen
Mindy White
Paul Wilson
Mark Woodward
Others

OTHERS PRESENT

Dale Douglas
Barrett Marson
Carol Owens
Louis Stradling
Other

STAFF PRESENT (CONT.)

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

Mayor Brown excused Councilmember Jaffa from the beginning of the meeting. Councilmember Jaffa joined the meeting at 4:40 p.m.

1. Review items on the agenda for the August 30, 1999 Regular Council Meeting.

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

1. Approval of minutes of previous meetings as written.

Councilmember Pomeroy indicated an amendment to the August 2, 1999 Regular Council Meeting minutes. City Clerk Barbara Jones stated that the minutes will be amended as requested.

4. Consider the following contracts:

*e. Canal Multi-Use Path – Center Street to Horne. City of Mesa Project No. 99-18.

Public Works Manager Jack Friedline informed the Council that a revised bid sheet has been distributed to the Council.

Vice Mayor Giles commented that he continues to have an interest in future canal improvements and requested that staff schedule a meeting with him to discuss the general status of this issue.

*f. Southern Avenue 12-inch Waterline, Ellsworth Road to East of 98th Street. City of Mesa Project No. 99-48.

*g. Parks and Recreation East District Office and Maintenance Complex. City of Mesa Project No. 98-30.

Councilmember Hawker indicated that he had potential conflicts of interest in connection with agenda items 4*e, *f and *g, which he wanted recorded in the minutes of the meeting, and because of such conflicts of interest, he would refrain from voting upon or otherwise participating in any manner in connection with same.

Mayor Brown stated that these items will be removed from the consent agenda.

5. Introduction of the following ordinances and setting September 7, 1999 as the date of the public hearing on these ordinances:

*a. Amending Title 2, Chapter 18 of the Mesa City Code by adding Sections 2-18-2, 2-18-3, 2-18-4, 2-18-5 and 2-18-6; and preserving rights and duties that already have matured and proceedings that already have begun under the existing procedures.

In response to a question from Councilmember Davidson regarding the date of the public hearing, City Attorney Neal Beets stated that the proposed time frame is fair and has never been contested.

*c. Amending Section 11-17-6 pertaining to the parking or storage of recreational vehicles in parks and subdivisions, and Section 8-6-4 pertaining to the storage of watercraft, utility trailers, camper shells, and truck campers on residential lots.

Councilmember Hawker noted that although he will support the introduction of an ordinance, additional effort must be expended to address height and setback stipulations prior to approval.

6. Consider the following resolutions:

- *a. Authorizing the City Manager to execute an Intergovernmental Agreement between the City of Mesa Unified School District #4 and the City of Mesa for the 1999-2000 funding of the Safe Schools Program.
- *b. Authorizing the City Manager to execute an Intergovernmental Agreement between the East Valley Institute of Technology and the City of Mesa for the 1999-2000 funding of the Safe Schools Program.

Assistant Police Chief Mike Whalen responded to questions from Councilmember Hawker concerning security staffing, anticipated salaries and costs.

7. Consider the following ordinance:

- *a. **A99-1** Annexing the 8800 through 9000 blocks of Broadway Road (north and south).

In response to concerns expressed by Councilmember Davidson regarding the annexation to the west, Community Development Manager Wayne Balmer discussed right-of-way issues and advised that staff is requesting that the Arizona Department of Transportation (ADOT) not plat this land.

- *c. Amending the service area of the non-exclusive license ordinance 3504 that was granted to Eagle West L.L.C. to construct, install, and operate lines, wires, coaxial cable and appurtenances for originating, receiving, distributing and supplying radio, television and other cable communication services along, across and upon the public streets, ways, alleys, and places within a portion of the City of Mesa.

Mr. Beets responded to questions from Council pertaining to this agenda item.

8. Consider the following cases from the Planning and Zoning Board and possible adoption of the corresponding ordinances:

- a. **Z99-45** The 2200 block of North Center (west side).

Community Development Manager Wayne Balmer informed the Council that staff had received a letter from the applicant requesting that this case be withdrawn.

Mayor Brown announced that Item 8a will be placed on the consent agenda for withdrawal.

(Councilmember Jaffa joined the meeting at 4:40 p.m.).

2. Introduction of Dick Mulligan, Economic Development Director.

Mr. Balmer introduced newly appointed Economic Development Director Dick Mulligan to the Council. Mr. Mulligan stated that he looks forward to working with the Council and other community leaders in his role as Economic Development Director for the City of Mesa.

Mayor Brown welcomed Mr. Mulligan to the staff.

3. Arizona Planning Association awards.

Planning Director Frank Mizner reported on his recent attendance at the Arizona Planning Association's (APA) annual statewide conference in Flagstaff. Mr. Mizner stated that each year the APA officially recognizes various public agencies, private firms, organizations and individuals for their contributions in the area of planning. Mr. Mizner informed the Council that two awards were presented to Mesa: 1) the City of Mesa was recognized for its Advisory Board Handbook in the category of Public Education; and 2) Dobson Ranch was recognized in the category of Historic Planning Landmark.

Mr. Mizner stated that the Boardmember Handbook was prepared by planning staff and added that the Handbook is provided to all current and new members of the Board of Adjustment, Design Review Board, and Planning and Zoning Board. Mr. Mizner added that the Handbook provides guidance in such areas as dealing with the press, conducting public meetings and determining conflicts of interest.

Dale Douglas, Executive Director of the Dobson Ranch Board of Directors, informed the Council that 1998 was the 25th anniversary of Dobson Ranch, and stated that during the past 25 years, Dobson Ranch has served as a model for other planned communities.

Mayor Brown thanked Mr. Mizner and Mr. Douglas for their input.

4. Discuss and consider proposed solid waste collection zone boundary changes.

Solid Waste Management Director Kari Kent informed the Council that staff is recommending the reconfiguration of three existing collection zones during fiscal years 1999-2000 and 2000-2001 and stated that staff is seeking Council's approval regarding this proposal. Ms. Kent noted that since the conversion from manual collection of solid waste to an automated sideloading system, the City has operated within the same three geographic zone configurations.

Ms. Kent stated that the three zone concept was developed to balance the workload of providing garbage collection, and current recycling and green waste barrel collection services, for the entire City within a six day work week. Ms. Kent commented that extensive growth in Zone 3 and the addition of 17,000 participants in the green waste barrel program has created an imbalance in the system and zone boundary changes are necessary.

Ms. Kent provided a brief overview of the proposed solid waste collection zone boundary changes, which will be implemented in three separate phases.

Discussion ensued relative to customer notification, media campaigns, timelines, scheduling and maps of the proposed collection zone boundary changes.

Mayor Brown thanked Ms. Kent for her input.

5. Consider the Police Committee recommendation to schedule sobriety checkpoints on specified holidays.

It was moved by Councilmember Kavanaugh, seconded by Councilmember Pomeroy, that the recommendation of the Police Committee be approved.

Police Chief Jan Strauss referred to a memo that was distributed outlining survey responses relative to the recent sobriety checkpoints that were implemented on July 4, 1999. Chief Strauss pointed out that the survey reflects a 98 percent approval rating by the respondents who were the actual occupants of the vehicles detained at the checkpoints. Chief Strauss stated that based on the documented public acceptance of the program, the Police Department is requesting that consideration be given to conducting sobriety checkpoints on the three major summer holidays (Memorial Day, July 4th, and Labor Day) and periodically (2-3 days) when the East Valley Driving Under Influence (D.U.I.) Task Force is in operation in the City.

Councilmember Hawker questioned the appropriateness of utilizing sobriety checkpoints to prevent motorists from driving while impaired. Councilmember Hawker stated the opinion that motorists should not be stopped without probable cause.

Councilmember Davidson concurred with Councilmember Hawker's remarks and stated the opinion that the utilization of sobriety checkpoints does not constitute a useful expenditure of time, money and effort on the part of the Mesa Police Department.

Upon tabulation of votes, it showed:

AYES - Brown-Giles-Jaffa-Kavanaugh-Pomeroy

NAYS - Davidson-Hawker

Mayor Brown declared the motion carried by majority vote.

6. Review and consider a proposed ordinance concerning the preservation of native plants.

Planning Director Frank Mizner presented the Council with a brief synopsis of this agenda item. Mr. Mizner discussed Section 9-6-5 of the City's Subdivision Regulations – "Vegetation/Revegetation." Mr. Mizner stated that the proposed regulations may be adopted by ordinance and are fully enforceable. Mr. Mizner added that Section 9-6-5 may be expanded to address native plant preservation related issues.

Mr. Mizner informed the Council that should staff's recommendations be approved, the proposed ordinance would be scheduled for introduction at the September 7, 1999 Regular Council Meeting and voted upon at the Regular Council Meeting on September 21, 1999.

Mr. Mizner responded to questions from Council pertaining to the fact that the City and the County does not require grading permits through the Public Works Department to preserve native plants, slope development, time constraints and terminology.

Councilmember Jaffa 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.

Carol Owens, a resident of Apache Junction and a citizen concerned with preserving native wild life and plant life, recommended that a grading permit be incorporated within this code and spoke in support of the proposal and requested that the "Chain-Fruit" Cholla be added to the succulent plant types.

It was moved Councilmember Kavanaugh, seconded by Councilmember Davidson, that staff's recommendation be approved. Upon tabulation of votes, it showed:

AYES - Brown-Davidson-Giles-Hawker-Kavanaugh-Pomeroy
NAYS - None
ABSTAIN - Jaffa

Mayor Brown declared the motion carried unanimously by those voting.

7. Deleted.

8. Appointments to Boards and Committees.

Mayor Brown recommended the following appointments to Boards and Committees:

ECONOMIC DEVELOPMENT ADVISORY BOARD:

Colleen Thomas – Term ending June 30, 2001
Gary Smith (Designate as GPEC representative – Executive Committee)

COMPLETE COUNT COMMITTEE, CENSUS 2000:

Dr. Ray Rafford (Chairman)
John Dickenson (Business and industry)
Dave Nichols (Business and industry)
Richard W. Blake (Business and industry)
Shari L. Lawson (Community organizations)
Rosemary Callahan (Community organizations)
Gloria Aukland (Community organizations)
Becky Weinberg (Education)
Bernie Ronan (Education)
Rosie Casillas (Religious)
Rev. Jerry Boyd (Religious)
Father Tom Tureman (Religious)
Clifford C. Moon (Minority and senior citizens)
Dan Taylor, (Minority and senior citizens)
Ruben Martinez (Minority and senior citizens)
Diane Rutherford (Media)
Gary Holloway (Media)
Richard Dyer (Media)

It was moved by Vice Mayor Giles, seconded by Councilmember Jaffa, that the Council concur with the

Mayor's recommendations and the appointments be confirmed.

Carried unanimously.

9. Acknowledge receipt of minutes of various boards and committees.

- a. Adjustment Board meeting held August 3, 1999.
- b. Crime Prevention Advisory Board meeting held August 18, 1999.
- c. Design Review Board meetings held August 4, 1999 and August 11, 1999.
- d. Economic Development Advisory Board meeting held July 27, 1999.
- e. Police Committee meeting held August 2, 1999.

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

Carried unanimously.

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

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

11. Scheduling of meetings and general information.

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

Thursday, September 2, 1999, 7:30 a.m. – Council Study Session

Thursday, September 2, 1999, (Following Study Session) – General Development Committee Meeting

Tuesday, September 7, 1999, 9:30 a.m. – Fire Committee Meeting

Tuesday, September 7, 1999, 5:45 p.m. – Regular Council Meeting

Public Works Manager Jack Friedline informed the Council that a traffic signal will be installed at the intersection of 64th Street and McKellips Road. Mr. Friedline noted recent fatalities at this intersection and informed the Council that a new signal will be operational by October 30, 1999.

12. Prescheduled public opinion appearances (prescheduled appearances will begin after the preceding scheduled agenda items, which should be about 5:30 p.m.; there will be a maximum of three speakers for three minutes per speaker).

Louis Stradling, 1214 East Greenway Circle, expressed concerns on the negative effects of fluoridating City water.

13. Adjournment.

Without objection, the Study Session adjourned at 5:45 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 the 30th day of August, 1999. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this ____ day of _____ 1999

BARBARA JONES, CITY CLERK