

COUNCIL MINUTES

April 1, 2002

The City Council of the City of Mesa met in a Regular Council Meeting in the lower level meeting room of the Council Chambers, 57 East 1st Street, on April 1, 2002 at 5:55 p.m.

COUNCIL PRESENT

Mayor Keno Hawker
Jim Davidson
Bill Jaffa
Dennis Kavanaugh
Pat Pomeroy
Claudia Walters
Mike Whalen

COUNCIL ABSENT

None

OFFICERS PRESENT

Mike Hutchinson
Debbie Spinner
Barbara Jones

Invocation by Pastor Jerry Boyd, Holy Temple Church of God.

Pledge of Allegiance was led by Taylor Corbit, Troop No. 288.

Mayor's Welcome.

1. Consider all consent agenda items.

At this time, all matters on the consent agenda were considered or were removed at the request of a member of the Council. All items identified with an asterisk (*) were approved with one Council action.

It was moved by Councilmember Vice Mayor Davidson, seconded by Councilmember Kavanaugh, that the consent agenda items be approved.

Carried unanimously.

*2. Approval of minutes of previous meetings as written.

Minutes from the February 28 and March 4, 18 and 25, 2002 City Council meetings.

*2.1. Consider the findings and recommendation of the Judicial Advisory Board to reappoint Magistrate Michelle Lue Sang for a four-year term beginning July 1, 2002.

Councilmember Kavanaugh recognized Magistrate Michelle Lue Sang, congratulated her on her reappointment, and requested that she introduce the members of her family present at the meeting. Councilmember Kavanaugh commented that Magistrate Lue Sang is an exceptional individual who carries out her judicial responsibilities in a conscientious manner.

Magistrate Lue Sang thanked Councilmember Kavanaugh and the members of the Council for recognizing her and introduced the members of her family present at the meeting.

3. Consider the following liquor license applications:

*a. RONALD E. NEWTH, CHAIRMAN

Special Event License application of Ronald E. Newth, Chairman, Sister City Association of Mesa, a two-day charitable event to be held Friday, May 3, 2002, from 5:00 p.m. to 10:00 p.m. and Saturday, May 4, 2002, from 10:00 a.m. to 10:00 p.m. at 530 E. Main Street, Pioneer Park.

*b. LORI E. BOULTIER, AGENT

Person and Location transfer Liquor Store License for Food 4 Less, 1045 S. Gilbert Road. This business location is currently being remodeled. This transfer is from Jackson E. Paulk, Agent, Abco Food Group, Inc., 7336 E. Main Street, Mesa.

4. Consider the following contracts:

*a. Two-year renewal of the supply contract for 6GHz and 11GHz microwave equipment requested by the Communications Division.

The Purchasing Division recommends exercising the two-year renewal option with Harris Microwave Communications Division for annual purchases estimated at \$150,000.00 based on estimated annual requirements.

*b. One reflective ultraviolet fingerprint imaging system as requested by the Police Department.

The Purchasing Division recommends accepting the low bid meeting specification by Sirchie Finger Print Laboratories, Inc. at \$14,962.50.

*c. Waterslide refinishing/repair at Shepherd & Stapley Jr. High pools as requested by the Parks & Recreation Division.

The Purchasing Division recommends accepting the low bid by Fibre Tech at \$21,700.00.

*d. Cemetery Landscape Maintenance Services as requested by the Parks & Recreation Division.

The Purchasing Division recommends accepting the only bid by Dusty Landscaping, Inc. at \$21,600.00 based on estimated annual requirements **(single response)**.

- *e. One new rotary drum attachment for a tractor/loader as requested by the Police Department. This device will be used to remove lead from the Police Firing Range.

The Purchasing Division recommends accepting the low bid by United Rentals at \$41,184.00 including applicable sales tax.

- f. Val Vista Drive Improvements, McDowell Road to South Canal. City of Mesa Project No. 00-44.

This project will improve Val Vista Drive to two lanes plus a bicycle lane in each direction, and add raised landscaped median, storm drain, street lighting, and water, gas and reclaimed water lines between the South Canal and the recently completed improvements just north of the McDowell Road to the Red Mountain Freeway. This project is the first of three projects to implement improvements in the Val Vista Corridor between McKellips Road and the Freeway.

Recommend award to low bidder, Achen-Gardner Engineering, LLC in the amount of \$2,963,685.30 plus an additional \$296,368.53 (10% allowance for change orders) for a total award of \$3,260,053.83.

Mayor Hawker declared a potential conflict of interest on this agenda item and said he would refrain from discussion/participation on this item.

Mayor Hawker yielded the gavel to Vice Mayor Davidson for action on this agenda item.

It was moved by Councilmember Kavanaugh, seconded by Councilmember Pomeroy, that the recommendations of staff be approved.

In response to a previous request from Councilmember Walters, City Engineer Keith Nath provided a brief overview of the project and information on the April 16, 2002 public meeting that will be held at Shepherd Junior High School, from 6:00 p.m. to 7:00 p.m. to solicit citizen input on three options that staff is proposing as a schedule for completing the project.

Upon tabulation of votes, it showed:

AYES - Davidson-Jaffa-Kavanaugh-Pomeroy-Walters-Whalen
NAYS - None
ABSTAIN - Hawker

Vice Mayor Davidson declared the motion carried unanimously by those voting.

With action on this agenda item being completed, Vice Mayor Davidson yielded the gavel back to Mayor Hawker.

- g. Ellsworth Road Sewer Line, University Drive to Baseline Road, and Ellsworth Road Water Line, Broadway Road to Baseline Road. City of Mesa Project No. 01-35.2.

This project will install a new 36-inch sewer line on Ellsworth Road from University Drive to Baseline Road to provide additional capacity, and is the second of two projects intended to relieve the surcharging issue.

Recommend award to low bidder, Haydon Building Corp., in the amount of \$3,993,573.30 plus an additional \$399,357.33 (10% allowance for change orders) for a total award of \$4,329,930.63.

Mayor Hawker declared a potential conflict of interest on this agenda item and said he would refrain from discussion/participation on this item.

Mayor Hawker yielded the gavel to Vice Mayor Davidson for action on this agenda item.

It was moved by Councilmember Walters, seconded by Councilmember Kavanaugh, that the recommendations of staff be approved.

Upon tabulation of votes, it showed:

AYES - Davidson-Jaffa-Kavanaugh-Pomeroy-Walters-Whalen
NAYS - None
ABSTAIN - Hawker

Vice Mayor Davidson declared the motion carried unanimously by those voting.

With action on this agenda item completed, Vice Mayor Davidson yielded the gavel back to Mayor Hawker.

- h. Desert Well No. 12. City of Mesa Project No. 02-43.

This project will drill a new well to expand the City's water supply capabilities and system reliability in the southeast portion of the Desert Wells Zone.

Recommend award to low bidder, Zim Industries, Inc., in the amount of \$464,335.00 plus an additional \$46,433.50 (10% allowance for change orders) for a total award of \$510,768.50.

Mayor Hawker declared a potential conflict of interest on this agenda item and said he would refrain from discussion/participation on this item.

Mayor Hawker yielded the gavel to Vice Mayor Davidson for action on this agenda item.

It was moved by Councilmember Whalen, seconded by Councilmember Kavanaugh, that the recommendations of staff be approved.

Upon tabulation of votes, it showed:

AYES - Davidson-Jaffa-Kavanaugh-Pomeroy-Walters-Whalen
NAYS - None
ABSTAIN - Hawker

Vice Mayor Davidson declared the motion carried unanimously by those voting.

With action on this agenda item completed, Vice Mayor Davidson yielded the gavel back to Mayor Hawker.

5. Introduction of the following ordinances and setting April 15, 2002 as the date of public hearing on these ordinances:

- *a. **Z01-55** 1010 S. Stapley Drive. Rezone from OS to OS-PAD and Site Plan Modification (1.8 acres). This case involves development of an office complex. Richard Phillips and David and Dennis Belnap; owner, Gregory Hitchens, applicant. **CONTINUED FROM THE MARCH 4, 2002 AND MARCH 18, 2002 CITY COUNCIL MEETINGS.**

6. Consider the following resolutions:

- *a. Extinguishing a Temporary Drainage Easement at 545 W. Juanita Avenue – Resolution No. 7802.

A new permanent drainage easement has been approved, making the temporary easement no longer necessary.

- *b. Vacating an alley west of South Grand Street between 6th Avenue and 8th Avenue – Resolution No. 7803.

This alley is no longer needed.

- c. Authorizing the City Manager or his designee to prepare, sign and submit applications to receive entitlement funds under the Housing and Community Development Act of 1974 as amended, the Stewart B. McKenney Homeless Assistance Act of 1987, as amended, and the National Affordable Housing Act of 1990, all as amended – Resolution No. 7806.

Councilmember Whalen declared a potential conflict of interest on this agenda item and said he would refrain from discussion/participation on this item.

Leonard Walker, the Pastor of Queen of Peace Catholic Church, said that he is speaking on behalf of the Church's 4,000 registered members and other Spanish-speaking individuals, when he asks that the Council support and uphold the recommendations of the Day Labor Task Force Committee and establish a day labor center in Mesa. Pastor Walker commented on the atrocities suffered by the immigrants daily in their efforts to secure and be compensated for daily work, and stressed the importance of developing and managing a facility to assist this important facet of the community.

Chris Carpenter, Pastor of Christ the King Catholic Church, also spoke in support of the Task Force's recommendations and encouraged the members of the Council to continue to look at options that will result in the establishment of a day labor center in Mesa.

Adrian Barraza said that he was one of the panelists who served on the Task Force and commented on the significant effort that was expended by the members in developing specific recommendations for the Council to follow. He urged the Council not to discount the hard work that has been expended in this important area and to support the recommendations that have been provided by the members of the Task Force.

Bill Elliott, a member of the Queen of Peace parish, representing East Valley Interfaith, said that the issue of a day labor center boils down to a moral issue. He requested that the Council implement the recommendations developed by the Task Force and said that this action would be the first step towards legislation to make it possible for immigrants to come to the United States and work under a documented status.

Lynn Reese stated that he has read the three reports that have been issued on this subject and believes that the City would be "jumping the gun" in talking about funding at this point in time. He added the opinion that the next step should be to have a concrete proposal drawn up which includes information on staffing, rules and addresses important questions raised by citizens on both sides of the issue.

Ramona Quihuiz stated that she too served as a member of the citizens' panel and gave up her time because she wanted to teach her children the importance of contributing to the community. She requested that the Council follow the recommendations of the citizens' panel.

Teresa Ottensen spoke in opposition to the establishment of a day labor center and expressed concerns regarding negative impacts on the neighborhood and decreasing property values.

Karl Millsaps also spoke in opposition to the establishment of a day labor center. He commented on the immigrants' illegal status and said that the City of Mesa should not be encouraging illegal activities by building centers to house illegal immigrants.

J. Henry Caradine asked the Council how they would enforce the operation of a day labor center if such a facility was established. He also discussed the immigrants' illegal status and indicated opposition to the recommendations of the Day Labor Task Force.

Judy Adams requested that discussion on this important item be delayed pending the official swearing-in ceremony of the new Councilmembers so that Councilmember-Elect Kyle Jones, who is the representative for her district (District #4), can participate in the discussions and vote on this issue.

In response to a request from Mayor Hawker, Community Revitalization Director Kit Kelly provided a brief overview of this agenda item. She explained that the Council is considering recommendations for Community Development Block Grant Home Investment Partnership funds. She added that one of the alternative projects is the funding of a day labor center and said that this would allow a funding mechanism to be in place if the Council decides to

proceed with the center. She noted that staff has recommended that \$410,000 be allocated for this purpose.

Councilmember Pomeroy emphasized that the Council is not voting on the establishment of a day labor center at this time.

Ms. Kelly concurred with Councilmember Pomeroy's comment and added that the vote is solely to provide a funding mechanism so that if in the future the Council decides to build a day labor center, some funding is in place.

Mayor Hawker commented that the Council may also decide not to include the \$410,000 for this purpose.

Councilmember Kavanaugh noted that the Council is approving specific funding for millions of dollars of projects to assist neighborhoods throughout the City. He said that the alternate suggestion is but one of millions of dollars of allocations. He noted that the issue of the day labor center is not a new one for the Council and added that the issue has been the subject of intense public hearings, discussion, input, decisions and votes by the City Council. Councilmember Kavanaugh stated that he remains fully in support of the Citizens' Task Force recommendations on this issue and said that if he had his way, the money tonight would be direct funding rather than an alternate. He added that the recommendations should not be ignored and discussed difficulties associated with identifying a suitable site that would meet all ADA requirements. He commented that the Council needs to recall, both as citizens and as Councilmembers, that it doesn't just represent people who vote, but that it also provides representation to non-voters, winter visitors, and individuals who are here illegally and who live and work in the community. Councilmember Kavanaugh reported that successful examples of day labor centers exist all over the country and commended the members of the Task Force for their hard work. He said that he would reluctantly support the recommendations tonight, but would prefer that the item be listed as an "action" item rather than an "alternate" item.

It was moved by Councilmember Kavanaugh, seconded by Councilmember Walters, that the recommendations of staff be approved.

Councilmember Walters commented that any day labor center would require a Council Use Permit and would have to come back before the Council. She reiterated that the action being taken tonight is not a "back door approach" to establishing a center, but rather is an alternative that would allow funding for a future Council to address the recommendations of the Day Labor Task Force. She emphasized the importance of looking at the "real world" and noted that the day labor situation was the same 20 years ago and will continue whether or not a day labor center is established. She added the opinion that the real issue is whether to create a safer environment for everyone involved and said that this complex issue will not go away.

Councilmember Walters stated that the Council has followed many of the recommendations developed by the Day Labor Task Force and said that as Chairman of the General Development Committee, one of her first assignments after assuming office was to work with those recommendations. She noted that a priority recommendation was that the City meet with top State and Federal officials in an effort to determine whether an opportunity exists to resolve the legal issues that are involved. She reported that meetings have taken place in a

diligent manner and stated that the issue is incredibly complex. Councilmember Walters discussed the fact that INS does not have the manpower necessary to enforce regulations and advised that she and other members of the Council are supportive of a "guest worker" program in the City of Mesa.

Councilmember Walters said that she will support the recommendations, but is also disappointed that the City could not address this issue further. She discussed the extensive efforts that went into identifying an appropriate location for a center and said that successful facilities must be located near historical pickup areas. She added that the recommended funding is not sufficient to set up a trial program and emphasized the importance of locating a partner in the non-profit sector who will step forward and assist the City of Mesa by allowing the City to use their facility for this worthwhile project.

Vice Mayor Davidson thanked everyone for their efforts and said that he would not want to diminish approving the \$3.7 million in CDBG funds.

In response to a question from Vice Mayor Davidson, Ms. Kelly explained that one of the requirements from HUD is that the City expend funds in a timely manner. She added that an issuance was put out by HUD this year advising that communities that did not spend their funding in a timely manner would have reductions in their future allocations. Ms. Kelly stated that the reason staff looked at this as an alternate project is because there had not been a specific site identified at this point.

Vice Mayor Davidson said that he believes that due diligence has been performed and added that he is disappointed that funding is not available to build the facility tomorrow. He stated that he will support the recommendations and urged the next Council to do due diligence as well as to listen the community and collectively make the right decision on this important issue.

Councilmember Jaffa also commented on the extensive effort that has been expended by the members of the Citizens' Task Force. He agreed with Councilmember Walters' comment that a Council Use Permit would be required for such a project and said that contract issues as well would have to first be addressed. He said that he believes this is a regional issue that will require a regional response and is disappointed that the City has been unable to find an answer to this huge problem.

Mayor Hawker stated that he supports the alternative concept and added that he would not support spending \$410,000 for a day labor center. He said that he would like the funding to be in place so that the new members of the Council will have an opportunity to address this issue. Mayor Hawker commented that this matter is not a high priority for him, especially on a permanent basis, but added that he does support the "guest worker" concept. He said that he does not support an amnesty program and stated the opinion that such programs send the "wrong message." Mayor Hawker indicated his willingness to spend up to a maximum of \$50,000 on this issue.

Upon tabulation of votes, it showed:

AYES - Hawker-Davidson-Jaffa-Kavanaugh-Pomeroy-Walters
NAYS - None
ABSTAIN - Whalen

Mayor Hawker declared the motion carried unanimously by those voting.

- *d. Authorizing the City Manager to execute a communication system license issued to AT&T Corporation to place a Fiber Optics Communication System in the City right-of-way – Resolution No. 7804.

7. Consider the following ordinances:

- *a. Prohibiting parking from 8:00 am to 4:00 p.m. on school days on the south side of Fox Street from 24th Street to the west side property line of 2559 E. Fox Street and on the north side of Fox Street from 24th Street to the west side property line of 2538 E. Fox Street, as recommended by the Transportation Advisory Board – Ordinance No. 3974.
- *b. **CZ01-001TC** 126 South Country Club Drive. Rezone from TCB-1 to TCB-2 – Ordinance No. 3975.

*8. Consider a resolution ratifying action taken by the Utilities Manager to sign power resource contracts with American Electric Power (AEP). The contracts will replace Enron Power Marketing contracts – Resolution No. 7805.

9. Consider the following cases from the Planning and Zoning Board and possible adoption of the corresponding Ordinances:

- *a. **Z02-03** Generally a quarter mile west of the southwest corner of McLellan Road and Val Vista Drive. Rezone from AG to R1-35 PAD (45.2 acres). This case involves the development of a 44-lot custom home subdivision. JM Land Development, owner; Mike Moore, applicant – Ordinance No. 3976.

P&Z Recommendation: Approval with conditions (Vote: Passed 7-0).

1. Compliance with the basic development as described in the project narrative and as shown on the site plan, preliminary plat and elevations submitted, (without guarantee of lot yield, building count, lot coverage) except as noted below.
2. Compliance with the Residential Development Guidelines.
3. Review and approval by the Planning and Zoning Board, Design Review Board and City Council of future development plans.
4. Compliance with all City development codes and regulations.
5. Compliance with all requirements of the Development Services Department (Engineering, Traffic Engineering, Solid Waste and Facilities, etc.).
6. Dedicate the right-of-way required under the Mesa City Code at the time of application for a building permit, at the time of recordation of the

subdivision plat, or at the time of the City's request for dedication, whichever comes first.

7. All street improvements and perimeter landscaping to be installed in the first phase of construction.
8. Compliance with all requirements of the Subdivision Technical Review Committee.
9. Owner granting an Avigation Easement and Release to the City, pertaining to Falcon Field Airport, which will be prepared and recorded by the City (concurrently with the recordation of the final subdivision map, prior to the issuance of a building permit).
10. Written notice be provided to future residents, and acknowledgment received that the project is within one mile of Falcon Field Airport.
11. Noise attenuation measures be incorporated into the design and construction of the homes to achieve a noise level reduction of 25 db.
12. View fences on residential lots shall comply with the City of Mesa pool fence barrier regulations.
13. Retention basins to be 6:1 slopes maximum when adjacent to public rights-of-way or pedestrian walkways.
14. Compliance with the Citrus Preservation Plan as stated in the Project Narrative.
15. The amenity package, as shown on the site plan and landscape plan as described in the project narrative, is to include theme gardens in the cul-de-sacs, a gate house at the entry, detailed wall elevations that include stone and split face masonry, as well as a "Village Green" which will provide space for sunken tennis courts, stone fireplace and patio, large ramada, tot lot and a large informal playing field with grass.

- *b. **Z02-04** The 4400 block of East McLellan Road (south side). Site Plan Modification (2 acres). This case involves the development of fourplex subdivision. John Bellrose, owner; Kim Eaton, applicant – Ordinance No. 3977.

P&Z Recommendation: Approval with conditions (Vote: Passed 4-1-2).

1. Compliance with the basic development as described in the project narrative and as shown on the site plan, preliminary plat and elevations submitted, (without guarantee of lot coverage) except as noted below.
2. Compliance with the Residential Development Guidelines with review and approval of the elevations by staff prior to submittal for a building permit.
3. Compliance with all City development codes and regulations.
4. Compliance with all requirements of the Development Services Department (Engineering, Traffic Engineering, Solid Waste and Facilities, etc.).
5. Dedicate the right-of-way required under the Mesa City Code at the time of application for a building permit, at the time of recordation of the subdivision plat, or at the time of the City's request for dedication, whichever comes first.
6. Compliance with all requirements of the Subdivision Technical Review Committee.

7. Owner granting an Avigation Easement and Release to the City pertaining to Falcon Field Airport, which will be prepared and recorded by the City (concurrently with the recordation of the final subdivision map, prior to the issuance of a building permit).
8. Written notice be provided to future residents and acknowledgment received that the project is within two miles of Falcon Field Airport.
9. Noise attenuation measures be incorporated into the design and construction of the homes to achieve a noise level reduction of 25 db.
10. Retention basins to be 6:1 slopes maximum when adjacent to public rights-of-way or pedestrian walkways.
11. Compliance with all requirements of the Design Review Board.

*c **Z02-05** The southeast corner of Southern Avenue and Lindsay Road. Rezone from AG to R-3-PAD (5.4 acres). This case involves the development of an 84-unit condominium project. Bank One Trust Department, owner; J. Patrick Lannan/Del Pueblo Homes, applicant – Ordinance No. 3978.

P&Z Recommendation: Approval with conditions (Vote: Passed 5-0-2).

1. Compliance with the basic development as described in the project narrative and as shown on the site plan, preliminary plat and elevations submitted, (without guarantee of lot yield, building count, lot coverage) except as noted below.
2. Compliance with all requirements of the Design Review Board with specific attention paid to the building and perimeter wall elevations, retention area locations and design, landscaping plan and open space.
3. Compliance with all City development codes and regulations.
4. Full compliance with all current Zoning Ordinance requirements, except for the setbacks along the arterials and adjacent to single residence districts, wall heights, separation between buildings, and open space.
5. Compliance with all requirements of the Development Services Department (Engineering, Traffic Engineering, Solid Waste and Facilities, etc.).
6. Submittal of a revised site plan and grading and drainage plan including revised volume calculations to the Design Review Board addressing the following modifications:
 - a. Alternative site design acceptable to the applicable City departments addressing adjustment to the location of the refuse enclosure located between buildings #7 and #8 so that unsafe refuse truck backup is avoided.
 - b. Revised site plan and grading and drainage plan that eliminate retention with 4:1 slopes against the perimeter wall south of buildings #6, #7, and #8 and west of buildings #1 and #2, and modify retention areas in front of buildings #5 and #1 to accommodate the changes to the grading and drainage plan.
7. Dedicate the right-of-way required under the Mesa City Code at the time of application for a building permit, at the time of recordation of the subdivision plat, or at the time of the City's request for dedication, whichever comes first.

8. All street improvements and perimeter landscaping to be installed in the first phase of construction.
9. Compliance with all requirements of the Subdivision Technical Review Committee.
10. Record a 10-foot Public Utilities and Facilities Easement along Southern Avenue for the area of the bus bay.
11. View fences shall comply with the City of Mesa pool fence barrier regulations.
12. Retention basins to be 6:1 slopes maximum when adjacent to public rights-of-way or pedestrian areas and/or sidewalks.

9.1. Deleted from the agenda.

10. Discuss and consider a request to eliminate the Recker Road/Loop 202 traffic interchange.

Mayor Hawker announced that speakers on both sides of this issue have met and appointed representatives to speak on their behalf. He indicated that each side will have approximately 25 minutes in which to present their remarks.

The following speakers (in order of appearance) spoke in support of maintaining the Recker Road/Loop 202 traffic interchange:

Charlie Deaton
Bill Puffer
Fawn Finchum
Bob McNichols
Jim Creedon

The speakers listed above who spoke in support of proceeding with the construction of the Recker Road/Loop 202 interchange provided significant input, including: the importance of providing adequate freeway access for fire and police services; the importance of having adequate infrastructure in place to support new jobs to replace ones that have been lost; the fact that the Long Bow Golf Course will create up to 7,000 quality jobs in the City and the employees will need convenient freeway access; the fact that the residents of Las Sendas have submitted 1,703 signed petitions in support of proceeding with the interchange at this location; the fact that the elimination of the interchange would place a much greater burden on Power Road; the significant costs associated with design changes; the fact that the owners of the Long Bow Golf Course bought the property based on the fact that the interchange would be constructed at this location, and the fact that no right-of-way has to be acquired to accomplish the project, traffic will improve and safety will be enhanced.

The following speakers (in order of appearance) spoke in support of eliminating the Recker Road/Loop 202 traffic interchange:

Howard Trucks
John Vitalo
Pam Trucks
Diana Hesson
Bob Nuss

Richard Miller
James Baker

The speakers listed above who spoke in support of eliminating the Recker Road/Loop 202 interchange, provided significant input, including: the fact that an environmental impact process in 1999 recommended the elimination of the interchange; citizens have submitted 1,729 signed petitions asking the Council to bring this issue back to a public forum process; the fact that the Council did not require an interchange at Lindsay Road or between Country Club Drive and Gilbert Road, but is now forcing the residents in this area to put up with an interchange; the fact that there are three interchanges planned within three and a half miles and the citizens' opinion that the issue of interchange closeness should be re-examined; the citizens' opinion that an interchange at Power Road would be more appropriate; negative impacts on property values, increased noise and traffic; negative environmental impacts; the fact that there will be six traffic lights with four of them located within one-quarter of a mile, and the possibility of constructing emergency-only ramps for police and fire access.

Mayor Hawker thanked the speakers for their input and requested comments from the Council. Mayor Hawker explained that it takes three Councilmembers to bring an item forward, and since Councilmember Jaffa was the maker of the motion to bring this matter forward, he would ask him to present his input at this time.

Councilmember Jaffa stated that over 1700 citizens submitted signed petitions asking that this issue be reviewed. He requested that staff provide a brief overview of the history of this case.

Transportation Director Ron Krosting provided background information on this issue and clarified that the proposal calls for traffic signals at either end of the segment of roadway and at three signalized intersections located in between.

Councilmember Jaffa commented on the importance of the Long Bow Golf Course development to the City of Mesa and said that the elimination of the proposed interchange would back up traffic and possibly impact discussions with ADOT on providing a "buffer" behind the homes to mitigate the 22% anticipated increase in traffic in that area. He also discussed efforts that have been expended to lower the freeway as much as possible as it crosses the CAP Canal and stressed the importance of providing the best public safety protection and ensuring prompt response times. Councilmember Jaffa stated that for these reasons, he will continue to support the interchange and will continue to work on addressing traffic issues.

Vice Mayor Davidson said that he Chaired the Transportation Committee that went out into the neighborhood to talk about this and stated that although he appreciates all of the comments that were made this evening, he believes that the issues have remained the same. He noted that from the beginning, everyone has said that ramps would go in if warranted and explained that the data that has been compiled proves that the ramps are, in fact, warranted. Vice Mayor Davidson added that the interchange is essential for efficient, effective traffic flow and to enhance economic development and said that he remains supportive of the off ramps as proposed.

Vice Mayor Davidson responded to comments made by Mr. Bill Puffer relative to the absence of off ramps in other parts of the City and said that the Council is trying to be fair in this and all

similar situations. He explained that Lindsay Road cannot have an off ramp because of the water treatment facility and added that Mesa Drive will have off ramps in the future.

It was moved by Vice Mayor Davidson, seconded by Councilmember Kavanaugh, that the Council deny the request to eliminate the Recker Road/Loop 202 traffic interchange.

Councilmember Pomeroy said that the number of people in support of the interchange and opposed to it are pretty even and that it comes down to the best logical solution for the problem at hand. He expressed the opinion that public safety is paramount and said he believes that it was wrong not to construct an off ramp at Lindsay Road and between Country Club Drive and Gilbert Road.

Councilmember Kavanaugh stated that his home is close to a freeway interchange and he understands the challenges associated with this project. He added that he also appreciates the thoughtful comments that have been presented by citizens on both sides of the issue and the manner in which those comments were delivered. Councilmember Kavanaugh stated that he too believes that public safety is critical and noted that a two-minute delay could result in substantial problems. He said that significant challenges exist in the eastern portion of the City because of growth, and the proposed interchange will address public safety needs and provide much needed access. Councilmember Kavanaugh added that economic development is also important as well as impacts on the neighborhoods and he continues to support this project.

Councilmember Whalen said that he was the member of the Council who seconded Councilmember Jaffa's motion to bring this forward for discussion. He thanked everyone who contacted him regarding this issue for their input and posed questions to Mr. Krosting relative to traffic light timing. Councilmember Whalen stated that his fellow Councilmembers have made all of the comments he would have made and he supports the motion.

Councilmember Walters said she appreciates everyone coming to the meeting tonight to provide input. She pointed out that one of the differences about this particular intersection is that the Long Bow Golf Course area has been zoned for M-1 use for a long time. She commented that the City of Mesa does not have a property tax, so revenues will not be collected as a result of that project; however, she said that she does believe that having access from both sides of the freeway will attract high quality development, resulting in higher paying jobs and an enhanced area for everyone. Councilmember Walters added that this has the effect of creating a "boardroom community" that offers high paying jobs for Mesa residents. She concluded by voicing her support for the motion.

Mayor Hawker expressed support for the motion and stated that he has been a freeway supporter since 1985. He explained that he likes projects like this that are fast and convenient, and added that the project will result in improved traffic distribution. Mayor Hawker thanked everyone for presenting their excellent comments in a calm and professional manner.

Carried unanimously.

11. Consider the following subdivision plat:

- *a. "VAL VISTA PARK TOWNHOMES", – (Council District 6) – 1015 South Val Vista Drive (east side) 108 R-2 PAD townhome lots (10.56 acres) Capital Title Agency Inc., an

Arizona Corporation, developer; Palatine Engineering Consultants, engineer.

12. Election issues.

Mayor Hawker announced that a runoff (General) election will be held on May 21, 2002 to elect a Councilmember in District 5. He commented that the two candidates seeking election in that district are Rex Griswold and Bill Jaffa. Mayor Hawker encouraged the citizens in that district to vote on Election Day.

13. Items from citizens present.

Gaylen Walker addressed the Council and discussed concerns regarding the current construction on Gilbert and Baseline Roads and the project's negative impacts on surrounding businesses. He asked the Council to consider accelerating the project by allowing work to occur during the evening and weekend hours and stressed the importance of keeping those affected by the project updated on the status of the roadway project.

Mayor Hawker thanked Mr. Walker for his comments.

14. Adjournment.

Without objection, the Regular Council Meeting adjourned at 8:20 p.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 Regular Council Meeting of the City Council of Mesa, Arizona, held on the 1st day of April 2002. I further certify that the meeting was duly called and held and that a quorum was present.

BARBARA JONES, CITY CLERK

lgc