

# COUNCIL MINUTES

January 30, 1998

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 January 30, 1998 at 7:33 a.m.

## COUNCIL PRESENT

Mayor Wayne Brown  
Pat Gilbert  
John Giles  
Dennis Kavanaugh  
Joan Payne  
Wayne Pomeroy  
Claudia Walters

## COUNCIL ABSENT

None

## STAFF PRESENT

C.K. Luster  
Lin Adams  
Wayne Baker  
Wayne Balmer  
Neal Beets  
Karl Bentz  
Mike Claspell  
Elbert Collier  
Dennis Compton  
Fred Conway  
Linda Crocker  
Luigi Digirolamo  
Dennis Donna  
Kim Fallbeck  
Dennis Harline  
Joe Holmwood  
Mike Hutchinson  
Lars Jarvie  
Barbara Jones  
Harry Kent  
Douglas Kline  
Jon Kokanovich  
Wayne Korinek  
Dorinda Larsen  
Larry Lines  
Greg Marek  
Jeff Martin  
Tom Mattingly

## STAFF PRESENT (CONT.)

Patrick Murphy  
Keith Nath  
Ellen Pence  
Ronald Poulin  
Bryan Raines  
Andrea Rasizer  
Leon Rawlings  
Tom Remes  
Becky Richardson  
Janice Strauss  
Jonathan Terpay  
Doug Tessoroff  
Michael Whalen  
Mindy White  
Paul Wilson  
Ken Young  
Others

## OTHERS PRESENT

Jim Davidson  
Bev Hart  
Keno Hawker  
Bill Jaffa  
Tom Verploegen  
Marilynn Wennerstrom  
Others

1. Review items on the agenda for the February 2, 1998 Regular Council Meeting.

All of the agenda items were reviewed among the Council and staff, with no formal action taken. There was particular discussion with regard to the following agenda item:

4. Consider the following contracts:  
\*d. University Drive Bus Bays.

In response to a question from Councilmember Giles, Public Works Manager Harry Kent stated that the bus bays may affect access to a number of businesses and indicated that he would review the plans with Councilmember Giles prior to the Regular Council Meeting.

6. Introduction of the following ordinances and setting February 17, 1998 as the date for the public hearing on these ordinances.

- \*a. Z97-97
- \*b. Z98-4
- \*c. Z98-5
- \*d. Z98-6

In response to a question from Councilmember Giles, Community Development Director Wayne Balmer advised that the above listed ordinances will be introduced at the February 2, 1998 Regular Council Meeting and that staff will provide additional information relative to the various zoning cases prior to their consideration and possible adoption.

- e. Proposing a ballot proposition for the May General Election relating to neighborhood preservation and a Housing Code, amending the descriptive title of Tile 8, Chapter 6; amending Sections 8-6-1, 8-6-2, 8-6-3, Mesa City Code; establishing a delayed effective date dependent on the approval of the voters; and providing penalties for the violation thereof.

In response to a question from Mayor Brown, City Attorney Neal Beets advised that the Council could direct staff to call a Special Election for the purpose of placing this issue on the ballot of the November election.

Mr. Beets commented on the fact that should the Council adopt the proposed ordinance, it would be subject to the approval of the voters at the next City election on May 19th. Mr. Beets added that the Council has two options, either to remove the issue from the agenda for consideration or revise the date contained in the language of the ordinance.

Vice Mayor Gilbert stated the opinion that additional alternatives remain to be discussed.

It was moved by Vice Mayor Gilbert, seconded by Councilmember Giles, that this item be removed from the agenda.

Carried unanimously.

- f. Proposing a ballot proposition for the May General Election pertaining to the Mesa City Charter; proposing amendments to Section 201 of the Mesa City Charter calling for a Nonpartisan Citizens' Commission to create four geographic districts to nominate and elect district Councilmembers; preserving the Mayor and two Councilmembers to represent the City at-large; submitting these proposed Charter amendments to the voter for consideration; and providing penalties for violations.

Mayor Brown stated that he attended a Maricopa Association of Governments meeting when this issue was discussed by the Council and indicated his intention to provide input at this time.

Mayor Brown recommended that the Council consider removing this item from the agenda and stated that although he does not support the establishment of a 'pure' districting system in Mesa, the addition of a competing question on the ballot of the May 19, 1998 General Election is inappropriate. Mayor Brown added that should the 'pure' districting system of representation not be approved by the voters, he will request that the Council place a 'combination' district proposal on the ballot of the November election. Mayor Brown requested input from the Council relative to this issue.

Vice Mayor Gilbert expressed the opinion that Mayor Brown's proposal is reasonable and appropriate. Vice Mayor Gilbert added that he supports the current at-large system of representation but that he prefers a 'combination' system rather than a 'pure' system.

Councilmember Walters commented that she also prefers a 'combination' system and supports providing the voters with a choice. Councilmember Walters said that she would not support the Mayor's recommendation at this time.

Councilmember Giles advised that he favors the establishment of a 'combination' district system but agreed that it would be inappropriate to place a competing issue on the ballot of the May 19th General Election. Councilmember Giles reiterated previous remarks relative to his opposition to a 'pure' district system in Mesa.

Councilmember Pomeroy commented that he does not support the establishment of a district system but said that he would select the implementation of a 'combination' system over a 'pure' system if a choice had to be made. Councilmember Pomeroy added that at this time he will support the Mayor's recommendation based on the fact that the development of a competing issue at this time would be both confusing and inappropriate.

It was moved by Vice Mayor Gilbert, seconded by Councilmember Giles, that this issue be removed from the agenda for consideration by the Council.

Upon tabulation of votes, it showed:

AYES - Brown-Giles-Gilbert-Kavanaugh-Payne-Pomeroy  
NAYS - Walters

Mayor Brown declared the motion carried by majority vote.

(Councilmember Payne left the meeting at 8:05 a.m.)

8. Consider the following resolutions:

- \*b. Authorizing the City Manager to execute an Intergovernmental Agreement with the cities of Scottsdale and Tempe which will allow each of the other jurisdictions to reimburse a portion of the funds expended by the City of Mesa to acquire an East Valley Homeless Shelter.

Mayor Brown advised that this item will be removed from the consent agenda.

9. Consider the following ordinances:

- \*b. Pertaining to the zoning ordinance and the building regulations of the Mea City Code, amending Title 11, chapter 13, Section 2 regarding swimming pool enclosures; and adopting a new Chapter 7 of Title 4.

City Manager Charles Luster advised that this agenda item should be reviewed by the Planning and Zoning Board and requested that it be removed from the agenda.

Mayor Brown stated that this item will be removed from the agenda.

10. Consider the following items as recommended by the Utility Committee:

- \*d. Authorizing the City Manager to enter into an intergovernmental Agreement with the Salt River Pima-Maricopa Indian Community, on behalf of the City of Mesa, for wastewater treatment and groundwater recharge facilities.

Councilmember Kavanaugh requested that this item be removed from the Consent Agenda to allow staff an opportunity to highlight a brief presentation on this valuable project.

2. Discuss and consider a proposal from the First United Methodist Church to Redevelop Site 22.

Community Development Director Wayne Balmer informed the Council that staff has been working with the First United Methodist Church on a proposed project to expand the facility to include a family resource center. Mr. Balmer noted that in order to accomplish the expansion, the Church must acquire additional property. Mr. Balmer discussed staff's recommendation that the project be designated a redevelopment project in a redevelopment area and noted that a proposed agreement has been distributed to Council for their review and consideration.

Redevelopment Director Greg Marek addressed the Council and advised that the total project budget will be approximately \$3.7 million, of which City participation amounts to \$150,000. Mr. Marek commented that should the Council direct staff to proceed with this issue, staff's recommendation is that the Church assume responsibility for all land acquisition and that the City participate in the demolition of the acquired buildings and relocation expenses. Mr. Marek pointed out that the Council previously directed staff to allocate \$150,000 in funding, should the Council decide to proceed with this project. Mr. Marek stated that if approved, staff will prepare a redevelopment agreement for Council consideration and approval.

Councilmember Kavanaugh posed a question relative to Church/State issues and the fact that a governmental entity is providing assistance to a religious organization within the community. City Attorney Neal Beets stated the opinion that if the City decides, as part of the redevelopment agreement, to provide the same type of incentives the City would normally provide to any other redeveloper, the Church/State issue should not be of concern. Mr. Beets added that the programs that will be offered at the facility are open to the public for recreational, educational, and day care purposes and are not developed for the sole purpose of worship space.

Discussion ensued relative to halfway houses that are located within the redevelopment area.

Mayor Brown commended staff on their efforts relative to this project.

It was moved by Councilmember Giles, seconded by Councilmember Pomeroy, that staff be directed to prepare a redevelopment agreement based on recommendations submitted to the Council.

Mayor Brown declared the motion carried unanimously by those present.

3. See a prototype of the "Welcome to Mesa" sign and consider proceeding with bids.

Assistant to the City Manager Ellen Pence requested direction from the Council relative to proceeding with bids for "Welcome to Mesa" signs. Ms. Pence stressed the importance of developing and erecting a more stylized type of signage and noted that the proposed signs would be reflective and contain the City's motto, Great People, Quality Service! Ms. Pence noted that approximately 20 to 25 sites have been identified as initial sign placement areas and noted that the proposed two-year sign phase-in program will cost approximately \$2,000 per sign.

Mayor Brown commended staff, particularly Technical Illustrator Dan Sanchez, on the development of the proposed signage and stated that the "Welcome to Mesa" signs will constitute a major improvement over the current signage.

4. Discuss amending the City of Mesa building code pertaining to public restrooms in small restaurants.

Councilmember Kavanaugh advised that a number of citizens have brought to his attention the fact that there are restaurants within the City of Mesa which do not provide public restrooms for customer use. Councilmember Kavanaugh added that these facilities are typically smaller restaurants with limited space. Councilmember Kavanaugh expressed concerns relative to public health and sanitary issues and stressed the importance of providing access to restrooms, particularly to parents with children who require facilities for their children to wash their hands prior to eating.

Councilmember Kavanaugh stated the opinion that the City's current Code does not adequately address this issue and expressed appreciation to Building Superintendent Tom Mattingly and the members of a citizen advisory board for their involvement and participation in the development of a proposal to address this issue. Councilmember Kavanaugh expressed the opinion that the proposed amendment to the Building Code is reasonable, will not retroactively burden existing businesses and will ensure the future existence of reasonable public restroom requirements in all food service establishments.

Mr. Mattingly informed the Council that the intent of the Code is to ensure that restroom facilities are provided for public use. Mr. Mattingly commented that although the proposed code amendment is more restrictive than the current Code, it also provides a measure of relief to smaller retail shops by allowing those facilities which employ four or five people to provide one restroom area for both male and female patrons and exempts them from the separate male and female restroom facility requirements.

Councilmember Walters said that she supports the proposed amendments and expressed appreciation to staff for their efforts.

5. Hear reports from the Police Department.

a. Update on the Police Aviation Program

Assistant Police Chief Fred Conway, Police Commander Ron Poulin and Lieutenant Douglas Kline addressed the Council relative to this issue. Chief Conway and staff highlighted a brief presentation on the Police Aviation Program and discussed the contents of an activity report for 1997.

Additional discussion ensued relative to the number of helicopter and fixed wing service calls; response times; the fact that the helicopter crews arrived first on the scene 35,796 times out of 48,696 total calls; examples of service calls; recovered properties; total arrests from January 1994 thru December 1997; mission profiles; fire fighting and vehicular pursuits.

b. Update concerning the Crime Laboratory

Assistant Police Chief Fred Conway, Police Technical Services Division Commander Dennis Donna and Division Coordinator Len Young addressed the Council relative to this issue. Chief Conway and staff provided the Council with a brief overview of the responsibilities of the Crime Laboratory. Chief Conway also introduced Crime Laboratory Administrator Jon Kokanovich to the Council.

Discussion ensued relative to the importance of physical evidence; the fact that laboratory analysis results in the timely apprehension and conviction of serious offenders; staffing; lab characteristics; 1997 case statistics; serology/DNA; types of cases and case histories; drug analysis; toxicology and the importance of accurate, timely and professional lab results.

c. Update concerning the Center Against Family Violence

Lieutenant Karl Bentz, Director of the Center Against Family Violence, and Sergeant Jon Terpay, a Center supervisor, provided the Council with a brief update and slide presentation on the operation of the Center Against Family Violence which opened in February 1996. Lt. Bentz noted that the main objective of the Center is to provide victims with service in an environment where intimidation and embarrassment are non-existent.

Discussion ensued relative to the fact that victims no longer are moved from facility to facility and that all phases of investigations are conducted at the Center; the user-friendly, warm atmosphere of the Center; the fact that the program is being used as a model for other cities across the country; monitoring rooms which allow representatives from other involved agencies to view the interview process and the positive effects of the program, particularly on young victims. Lt. Bentz introduced staff present at the meeting to the members of the Council.

Councilmember Walters commended staff on the development and operation of the facility and emphasized the importance of providing services to the victims of trauma in a warm, friendly, unthreatening atmosphere.

Vice Mayor Gilbert also congratulated staff and commented on the benefits provided by the Center. Vice Mayor Gilbert stressed the importance of not victimizing victims.

Mayor Brown expressed appreciation to staff for their presentations.

6. Acknowledge receipt of minutes of meetings of various boards and committees.

- a. Crime Prevention Advisory Board meeting held January 21, 1998.
- b. Downtown Development Committee meeting held January 8, 1998.

- c. Economic Development Advisory Board meeting held January 22, 1998.
- d. Traffic Safety Committee meeting held January 20, 1998.
- e. Utility Committee meeting held January 23, 1998.

Councilmember Kavanaugh commented on the fact that the Downtown Development Committee (DDC) has decided to conduct their meetings at the Council Chambers in order to encourage citizen attendance. Councilmember Kavanaugh stressed the importance of scheduling meetings at a time that would be convenient for the public to attend and recommended that meetings be held between 4:00 p.m. and 8:00 p.m. to provide working citizens and parents with school children an opportunity to be present at those meetings. Councilmember Kavanaugh expressed appreciation to the members of the DDC for changing their meeting location to the Council Chambers site.

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

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

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

Councilmember Giles stated that he was recently approached by Sarah Scott, representing the United Way, relative to the attendance of a Council representative at meetings and forums between the United Way and various businesses to solicit assistance on child care issues. Councilmember Giles said that he has volunteered to attend the meetings in response to Ms. Scott's request.

8. Scheduling of meetings and general information.

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

Monday, February 2, 1998, 5:45 p.m. - Regular Council Meeting

Thursday, February 12, 1998, 4:00 p.m. - Council Policy Session

9. Prescheduled public opinion appearances (maximum of three speakers for five minutes per speaker).

Mayor Brown advised that there were no prescheduled public opinion appearances.

10. Items from citizens present (maximum of three speakers for five minutes per speaker).

Mayor Brown advised that there were no items from citizens present.

11. Adjournment.

Without objection, the Study Session adjourned at 9:21 a.m.

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 30th day of January 1998. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this \_\_\_\_ day of \_\_\_\_\_ 1998

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BARBARA JONES, CITY CLERK