

COUNCIL MINUTES

May 16, 1997

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 16, 1997 at 7:30 a.m.

COUNCIL PRESENT

Mayor Wayne Brown
Pat Gilbert
John Giles
Dennis Kavanaugh
Joan Payne
Wayne Pomeroy
Jim Stapley

COUNCIL ABSENT

None

STAFF PRESENT

C.K. Luster
Vince Anderson
Neal Beets
Joyce Byler
Dennis Compton
Fred Conway
Linda Crocker
John Geier
John Gendron
Joe Holmwood
Jim Hull
Mike Hutchinson
Janice Jackson
Barbara Jones
Sharon Joyce
Harry Kent
Karen Kille
Ron Krosting
Dorinda Larsen
Larry Lines
Rich Lorig
Greg Marek
Frank Mizner
Keith Nath
Dave Nichols
Eric Norenberg
Ruth Ann Norris
Ellen Pence
Brian Raines

STAFF (CONT.)

Jackie Redpath
Tom Remes
Becky Richardson
Regan Robbins
Kathleen Savagian
Sharon Seekins
Jamie Warner
Michael Whalen
Bob White
Ralph Wisz
Doug Tessororf
Larry Woolf
Christine Zielonka
Others

OTHERS PRESENT

Kathy Adams
Theresa Carmichael
Chris Moeser
David Molina
Dan Nowicki
Ralph Pew
Tom Verploegen
Others

1. Hear and consider the Town Center Corporation proposed budget for 1997-98.

Theresa Carmichael, President of the Mesa Town Center Corporation (MTCC) Board of Directors, and Tom Verploegen, Executive Director, briefly reviewed MTCC's Fiscal Year 1997-98 budget summary information for the following contracts: 1) Mesa Town Center Improvement District Contract, \$237,606; 2) Public Space Management Contract, \$135,539; and 3) Parking Management Contract, \$112,000.

Ms. Carmichael informed the council that MTCC's four standing committees, Executive, Promotion, Business Development and Public Space Management, met during the month of April 1997 to review and determine future committee priorities and activities. Ms. Carmichael added that the MTCC Personnel and Executive Committees met in May 1997 and are recommending the above listed three contract budgets.

In response to a question from Councilmember Payne, Mr. Verploegen advised that MTCC is essentially a contractor which provides services for the improvement district. Mr. Verploegen noted that specific questions relative to the district and specific policies and procedures, should be referred to the City Attorney.

Discussion ensued relative to a map of Special Improvement District 228 dated 11/4/85 and Resolution No. 5632 which was adopted by the Council, the State law that requires the engineer to make duplicate diagrams indicating the area in square feet of any building or buildings, Mr. Beets' opinion that actual square footage calculations may be obtained from the map which was drawn to scale, and Councilmember Payne's concern that assessment calculations may be inaccurate and were not developed in accordance with State law.

Vice Mayor Gilbert pointed out that item number 3 on the map states "the building or buildings are graphically shown to be to scale. Square footages for each building can be obtained from scaling off these maps."

Mayor Brown thanked Mr. Verploegen and Ms. Carmichael for their input.

2. Review items on the agenda for the May 19, 1997 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:

7. Introduction of the following ordinances and setting June 2, 1997 as the date for the public hearing on these ordinances.

***a. Z97-87** The southwest corner of Guadalupe Road and Ellsworth Road.

Planning Director Frank Mizner informed the Council that this agenda item involves the reintroduction of a case involving Continental Homes. Mr. Mizner distributed copies of a letter received from the applicant's attorney, Mr. Ralph Pew, requesting that this case be continued to the June 2, 1997 Regular Council Meeting.

8. Consider the following resolutions:
 - a. Approving the 1997-98 annual assessments for the Mesa Town Center Improvement District No. 228.

In response to a question from Councilmember Payne, City Attorney Neal Beets advised that State law requires the Council to perform an annual assessment to determine whether the Improvement District assessment rates have been properly calculated. Mr. Beets briefly explained the four-factor assessment formula and expressed the opinion that it would be inappropriate for Councilmembers to vote on their own assessment or that of a relative. Mr. Beets added that in his opinion the Councilmembers should declare conflicts of interest relative to their individual assessments and that the remaining members of the Council would then vote on the matter.

Mr. Beets informed the Council that a second voting alternative would be for the Councilmembers who own properties in the affected area to declare a conflict of interest and to refrain from voting on the entire issue. Mr. Beets indicated a preference for the first voting alternative. Mr. Beets also explained that in the event a stalemate occurs, in order to comply with the City Charter and attain a majority vote on the issue, the Councilmembers who declared conflicts of interest shall be allowed to cast their votes on this agenda item.

Discussion ensued relative to the fact that no provision exists for property owners to voluntarily secede from the District, protest procedures, and a previous initiative to eliminate Special Improvement District 228, which was not approved by the voters.

Mayor Brown advised that Councilmember Payne has requested that the Council discuss the voting procedures that will be implemented at the May 19, 1997 Regular Council Meeting relative to this agenda item.

Vice Mayor Gilbert 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.

Mayor Brown 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.

Councilmember Pomeroy 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.

Councilmembers Giles and Kavanaugh spoke in support of following City Attorney Neal Beets' recommendations relative to voting procedures on this agenda item.

Mayor Brown requested that Councilmember Giles serve as Acting Chairman during all discussions relative to this agenda item.

Councilmember Payne indicated opposition to allowing Mayor Brown, Vice Mayor Gilbert and Councilmember Pomeroy to declare conflicts of interest and refrain from voting on their individual properties while allowing them to cast their votes on all assessments other than their own. Councilmember Payne indicated her intention to request an opinion from County Attorney Richard Romley relative to the legality of the proposed voting process on Special Improvement District 228.

Discussion ensued relative to the fact that the continuation of the District is evaluated by the Council every five years and the fact that the next hearing to evaluate the effectiveness of the District will occur in December 1998.

In response to a question from Councilmember Payne, Acting Chairman Giles stated the opinion that the Council's policy of evaluating the District should occur in December 1998 as scheduled and should not be added to the agenda of the May 19, 1997 Regular Council Meeting. Acting Chairman Giles added that he supports Mr. Beets' recommendation to allow those Councilmembers with conflicts of interest on specific parcels to declare such conflicts for their parcel and to vote on the remaining assessments.

9. Consider the following ordinances:

- *a. Amending Section 11-1-6, 11-13-2 and 11-14-3 of the Mesa Zoning Ordinance with regard to the definition and placement of commercial communication towers and equipment.

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

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

- *a. **Z97-14**

Planning Director Frank Mizner informed the Council that the applicant has requested a 60-day continuance to the July 21, 1997 Regular Council Meeting.

- *o. **Z97-39**

Mr. Mizner advised that residents in the area are opposed to proposed stipulation 9, to construct Virginia Street from the existing street stub to Power Road per Public Works requirements. Mr. Mizner added that the applicant currently has the property to the immediate north under a purchase contract and said that this proposal will allow the applicant to consolidate his residential development. Mr. Mizner stated that staff continues to support the street's extension. Mr. Mizner commented that the Council may vote to deny the case and direct staff to draft an ordinance which does not contain stipulation number 9 or refer the case back to the Planning and Zoning Board.

In response to a question from Vice Mayor Gilbert, Transportation Director Ron Krosting indicated that if plans for the entire area were being developed at the present time, staff's recommendation would most likely be to construct a 't' or 'l' intersection rather than extending the street out to Power Road.

Vice Mayor Gilbert questioned whether Virginia Street could be redesigned, in view of the fact that the applicant now has property located to the north under contract. Vice Mayor Gilbert encouraged staff to analyze alternatives in an effort to resolve this issue and address the concerns of the neighbors.

Vice Mayor Gilbert expressed the opinion that in view of the fact that the applicant is securing property located to the north, the case should be referred back to the Planning and Zoning Board for additional consideration and possible resolution. Vice Mayor Gilbert added that the applicant should be provided an opportunity to replat the design of the north and south properties for resubmission to the Planning and Zoning Board.

Councilmember Kavanaugh concurred that the issue should be referred back to the Planning and Zoning Board for resolution and noted that the neighbors have also submitted a alternative recommendation to construct an intertie bikepath/walkway between the neighborhoods.

Councilmember Giles concurred with Vice Mayor Gilbert's and Councilmember Kavanaugh's remarks.

Vice Mayor Gilbert recommended that this item be placed on the consent agenda as being referred back to the Planning and Zoning Board.

11. Consider the following subdivision plats:

*a. SUPERSTITION TRIANGLE COMMERCE CENTER AMENDED.

Mr. Mizner informed the Council that the applicant has requested that this item be continued to the July 21, 1997 Regular Council Meeting.

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

- a. Adjustment Board meeting held May 6
- b. Library Advisory Board meeting held May 6
- c. Museum and Cultural Advisory Board meeting held April 24

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

Mayor Brown declared the motion carried unanimously by those present. (Councilmember Kavanaugh has momentarily left the Council Chambers when this vote was taken.)

4. Consider proposed fee schedule for the use of the Mesa Arts Center Theater and classroom space as recommended by the Museum & Cultural Advisory Board (see Item 3c).

It was moved by Councilmember Pomeroy, seconded by Councilmember Stapley, that the recommendations of the Museum & Cultural Advisory Board be approved.

Carried unanimously.

5. Consider appointments to boards and committees.

Mayor Brown recommended the following appointments to boards and committees:

MARICOPA COUNTY SPORTS COMMISSION

Janice L. Ramirez

It was moved by Vice Mayor Gilbert, seconded by Councilmember Kavanaugh, that the Council concur with the Mayor's recommendation and the appointment be confirmed.

Carried unanimously.

6. 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 but requested that the Council's recent trip to Portland, Oregon be the subject of a future Study Session.

7. Scheduling of meetings and general information.

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

Monday, June 19, 1997. 5:45 p.m. - Regular Council Meeting

Mr. Luster advised that the Friday, June 23, 1997 Council Study Session has been canceled.

Mr. Luster added that the Friday, June 23, 1997 Transportation Committee Meeting scheduled for 8:30 a.m. has been changed to 7:30 a.m.

Mr. Luster informed the Council that the June 16, 1997 Regular Council Meeting has been changed to June 23, 1997. Mr. Luster noted that the month of June contains five Mondays.

City Attorney Neal Beets briefed the Council on proposed changes to the Sexually Oriented Business Code and the adoption of an ordinance relative to the issue of prostitution.

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

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

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

Bill Brando, 61 South Macdonald, stated the opinion that Special Improvement District 228 is illegal and provided justification for his opinion. Mr. Brando indicated that legal action will be brought against members of the Council who vote in support of the Special Improvement District assessments.

Joe "Brick" Guinn, 126 West 7th Place, questioned the accuracy of Mesa Town Center Corporation's statement that 244 new businesses have opened in the town square area. Mr. Guinn spoke in opposition to the Special Improvement District assessments and requested justification for the fees.

Luulu Brandofino, 61 South Macdonald, spoke in support of approving an aye/nay vote for the continuation of Special Improvement District 228 and stated the opinion that the assessments are unfair and unconstitutional.

10. Further review and discussion concerning the proposed 1997-98 budget.

Assistant City Manager Mike Hutchinson informed the Council that tentative adoption of the budget will occur on June 2, 1997 with final adoption of the budget and utility rates scheduled for June 23, 1997.

Mr. Hutchinson noted that the allocation of Redevelopment/Downtown funding is a Council budget priority and briefly reviewed a list of committed projects and proposed third roll-up additions for the Council's review and consideration. (See Attachment A.)

Discussion ensued relative to the Old Bank One Building excise tax lease, the Mesa Cold Storage expansion, the total proposed redevelopment capital budget in the amount of \$5,735,000, a report submitted by Library Director Vice Anderson relative to proposed service reductions for Fiscal Year 1997-98, and the proposed addition of environmental staffing positions.

Vice Mayor Gilbert expressed the opinion that once the County assumes it's appropriate role, regarding particulate pollution, full-time permanent staffing may not be necessary. Mr. Hutchinson indicated that staff will continue to review this matter and investigate the possibility of utilizing the private-sector to perform certain functions.

Mr. Hutchinson briefly discussed proposed supplemental personnel additions and informed the Council that staff is currently analyzing the Planner I position and will provide the Council with a report relative to this matter in the near future.

Mayor Brown stated the opinion that the development of a Fire Department Community Safety Educator should be decided upon by the Fire Chief and the City Manager.

Councilmember Giles spoke in support of creating the Fire Department Community Safety Educator position and expressed the opinion that this position would represent a crucial component in the City's pool safety/community education program.

City Manager Charles Luster requested that staff be provided latitude relative to the development of this position and indicated that it may be feasible for existing staff to assume the position's responsibilities rather than hiring an additional staff person.

Mr. Hutchinson noted that the Council Assistant position has been identified as a Management Assistant I level position and added that the position will be included in the budget.

Mr. Hutchinson briefly discussed Youth Matter! programs and reported that the total net cost of all of the proposed programs is approximately \$535,000. Mr. Hutchinson commended staff on the preparation of the report submitted for Council consideration.

Mayor Brown stressed the importance of youth-related programs as a deterrent to crime and requested that staff reassess the programs currently in place to determine their overall effectiveness. Mayor Brown indicated that personnel involved in the various programs should present an assessment report to the Council on an annual basis.

Vice Mayor Gilbert stated the opinion that intervention programs which have been introduced and implemented over the past few years are crucial and complimented staff on the report submitted relative to the Youth Matter! programs. Vice Mayor Gilbert concurred that continuous program assessment is vital.

Councilmember Kavanaugh also applauded staff on the preparation of the report and recommendations and added that intervention programs are instrumental in preventing crime.

Councilmember Giles indicated that additional discussion is required relative to allocating resources within the Fire Department to devote to community safety and education and agreed that youth programs should be a Council priority. Councilmember Giles spoke in support of allocating funding for the Youth Matter! program.

Councilmember Stapley summarized his opinions relative to the remaining budget issues and indicated that he does not support the creation of a Council Assistant position. Councilmember Stapley added the Fire Department Community Safety Educator's position should be further researched. Councilmember Stapley expressed the opinion that an additional narcotics unit should be added to the Police Department.

Mayor Brown stated that it is the responsibility of the Council to thoroughly analyze budgetary issues and commended staff on their responses to inquiries, research and report preparation.

Councilmember Pomeroy expressed appreciation to staff for their efforts and added that he does not support the creation of a Council Assistant position. Councilmember Pomeroy stated that he would support the development of a Fire Department Community Safety Educator's position.

11. Adjournment.

The Study Session adjourned without objection at 9:26 a.m.

Carried unanimously.

WAYNE BROWN, MAYOR

ATTEST:

BARBARA JONES, CITY CLERK

Attachment

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 16th day of May 1997. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 3rd day of June 1997

BARBARA JONES, CITY CLERK

REVISED

ATTACHMENT A
COMMITTED PROJECTS FOR FY 97/98

PROJECTS

ESTIMATED DOLLAR AMOUNT

Main Street Median, Civic Plaza, Co-op Parking Lot	\$2,500,000
Alley Improvements west of Robson	\$ 75,000
Temple Court Acquisitions	\$ 225,000
Main Street Streetscape Improvements (Streets Fund)	\$ 500,000
Main Street Overhead Holiday Lighting Display	\$ 60,000
Replace A/C Unit at the Carrousel Building	\$ 5,000
Site 14 (Brown & Brown) Crosswalk (Streets Fund)	<u>\$ 50,000</u>
SUBTOTAL	<u>\$3,415,000</u> =====

PROPOSED THIRD ROLL-UP ADDITIONS

PROJECTS

ESTIMATED DOLLAR AMOUNT

Macdonald Street Improvements	\$ 650,000
Mesa Cold Storage Expansion (Land Acquisition)	\$ 120,000
Old Bank One Building Parking and Redevelopment	\$ 300,000
Excise Tax Lease for \$2,000,000	
Methodist Church Block (Land Acquisition)	\$ 150,000
Lesueur Hotel Site	\$ 100,000
Northeast Quadrant Land Acquisition	\$1,000,000
SUBTOTAL	<u>\$2,320,000</u> =====

TOTAL REDEVELOPMENT CAPITAL BUDGET

\$5,735,000
=====

If Council decides to proceed with the multi-purpose ice facility, land acquisition costs are estimated to be from \$1.5 to \$2.5 million depending on the amount of property we purchase. This may require an additional contingency fund allocation. It may be possible to recoup some or all of this land costs over a several year period.