

COUNCIL MINUTES

May 20, 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 May 20, 1999 at 7:31 a.m.

COUNCIL PRESENT

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

COUNCIL ABSENT

Mayor Wayne Brown

STAFF PRESENT

C.K. Luster
Whidul Alam
Wayne Balmer
Neal Beets
Denise Bleyle
Jamie Brennen
Candace Cannistraro
Jo Cooper
Linda Crocker
Jerry Dillehay
Jack Friedline
John Gendron
Penny Griffin
Mike Hutchinson
Barbara Jones
Mike Kalember
Karl Kohlhoff
Ron Krosting
Greg Marek
Tom Mattingly
Frank Mizner
Keith Nath
Eric Norenberg
Joe Padilla
Terri Palmberg
Ellen Pence
Bill Petrie

STAFF PRESENT (CONT.)

Bryan Raines
Andrea Rasizer
Tom Remes
Becky Richardson
Kathleen Savagian
Jenny Sheppard
Jan Strauss
Bob White
Mindy White
Paul Wilson
Others

OTHERS PRESENT

Debra Duvall
Barry Kirschner
Michael Kuhlmann
Karen LaFrance
Barrett Marson
Carol Owens
Harvey Prezant
Robbie Sherwood
James Tuvell
Stephanie Wright
Others

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

(Vice Mayor Giles excused Mayor Brown from the meeting and Councilmember Jaffa from the beginning of the meeting. Councilmember Jaffa joined the meeting at 7:38 a.m.)

1. Consider proposed amendments to the Redevelopment Agreement for the redevelopment of the former Bank One Building (Site 21).

Redevelopment Director Greg Marek advised that at the April 29, 1999 Study Session, the City Council discussed the construction of the Macdonald St. parking garage and the Redevelopment Agreement with the Voit Companies. Mr. Marek stated that the Council directed staff to delay the start of construction on the parking garage until January 2000 and to redesign the parking garage to include retail on the ground floor. Mr. Marek added that Council also directed staff to review the Redevelopment Agreement and make all necessary amendments, per discussion at the meeting, for Council review.

Mr. Marek discussed staff's intention to redesign the parking garage to include retail on the ground floor and said that the actual location of the retail portion of the building will be considered and discussed as part of the redesign process. Mr. Marek also informed the Council that prior to actually beginning the redesign of the parking garage, staff is recommending that a condition be placed in the agreement requiring the Voit Companies to provide a conditional letter of financing from the lender, stating that the lender has agreed to finance the project subject to stated conditions. Mr. Marek added that staff is proposing that the conditional letter of financing be submitted to the City of Mesa no later than June 1, 1999.

Mr. Marek reported that, based on the schedule provided by engineering staff, the parking garage project should be ready to go out to bid by early October. Mr. Marek commented that based on this schedule, staff is recommending that the project not go out to bid until the letter of credit from the lender has been submitted by Voit. Mr. Marek emphasized that the letter of credit must be received no later than October 7, 1999 in order to maintain the schedule to begin construction of the garage.

Discussion ensued relative to the fact that the award of the contract for the garage will occur after the Voit Companies has (1) obtained a building permit, which has already occurred, (2) the letter of credit has been received by the City, and (3) secured and submitted a completion bond for the building.

Mr. Marek also discussed the ground floor of the former Bank One building and noted that the current Redevelopment Agreement states that Voit has 18 months from the date that the City issues a Certificate of Completion to expend effort to locate retail tenants or a full service restaurant with outdoor seating on the ground floor. Mr. Marek pointed out that should Voit Companies fail to locate a full service restaurant or retain tenants for the ground floor within this time frame, Voit shall have the right to obtain office tenants for the ground floor. Mr. Marek advised that in response to previous Council direction, staff recommended to Voit that the Agreement be amended to reflect that a full service restaurant with outdoor seating and retail be required to be located on the ground floor of the building. Mr. Marek noted that Voit disagreed with the proposed amendment and stated that they would prefer that they be allowed to secure office tenants on the ground floor of the building if they are unable to locate restaurant/retail tenants within the 18 month period of time.

Additional discussion ensued relative to the fact that Voit intends to refurbish the historical pedestal clock and staff's recommendation that prior to transferring the ownership of the building to Voit, that completed plans for the renovation/installation of the clock be submitted to the City; staff's intention to modify the Agreement to contain the above listed points and amend the schedule to reflect a June 1, 1999 deadline for receipt of the conditional letter of financing and an October 7, 1999 deadline for receipt of the letter of credit, the fact that construction on the building will commence January 10, 2000, and staff's recommendation that the Agreement include requirements that 1) the exterior of the building be completed no later than August 30, 2000 and 2) the interior of the building (except for tenant improvements) be completed by October 10, 2000.

Mr. Marek informed the Council that should Voit not meet the proposed deadlines for receipt of the conditional letter of financing, the letter of credit, and/or construction of the building does not begin by January 10, 2000, the City may 1) terminate the Agreement with Voit and issue another Request for Proposals, or 2) negotiate additional revisions to the Performance Schedule.

In response to concerns expressed by Councilmember Pomeroy relative to the fact that following an 18 month period of time Voit may automatically abandon efforts to locate restaurant/retail tenants for the ground floor and pursue office tenants instead, Mr. Marek stated that the Redevelopment Agreement may be amended to reflect that the placement of restaurant/retail on the ground floor of the building is a requirement that must be met. Mr. Marek added that the Agreement could also be amended to stipulate that that should Voit be unsuccessful in locating restaurant/retail tenants during that period of time, this issue should be presented to the Council for further discussion and consideration.

Councilmember Pomeroy indicates support for the proposed amendments to the Agreement as outlined above by Mr. Marek.

Councilmember Kavanaugh concurred that the Agreement should be revised to require a full service restaurant and retail on the ground floor of the building and added that the restaurant/retail tenants are an essential part of the overall redevelopment plans for the downtown area. Councilmember Kavanaugh also indicated support for staff's recommendations as outlined by Mr. Marek.

Councilmember Hawker stated that his preference would be to secure restaurant and retail tenants for the ground floor of the building but added that some office uses may also be appropriate on the main floor, such as banking. Councilmember Hawker said that rather than place a restaurant/retail requirement in the Agreement, he would prefer that following the 18 month period of time, Voit be required to appear before the Council and submit options and recommendations for consideration.

Mr. Marek advised that the Redevelopment Concept Plan stipulates "retail and retail services" and explained that banks would fall under the "retail services" category and would be a consistent use.

Councilmember Hawker emphasized the importance of ensuring that the letter of credit be thoroughly reviewed by City Attorney Neal Beets and indicated support for staff's recommendations as outlined.

In response to a question from Councilmember Davidson, Vice Mayor Giles clarified that the consensus of the Council appears to be to clarify the Agreement to require restaurant and retail tenants on the ground floor. Vice Mayor Giles added that following the 18 month period of time, the applicant will be provided an opportunity to appear before the Council and present recommendations at that time.

It was moved by Councilmember Davidson, seconded by Councilmember Pomeroy, that staff's recommendations relative to amending the Redevelopment Agreement be approved and that the Agreement also be amended to require that restaurant/retail tenants be secured for the ground floor of the building.

Councilmember Jaffa concurred with staff's recommendations.

Barry Kirschner, representing the Voit Companies, commented that the company's goal is to locate a full service restaurant and appropriate retail tenants for the main floor of the building. Mr. Kirschner stated the opinion that following an extensive and intensive search for restaurant/retail tenants, the Council should allow the developer to secure appropriate office tenants rather than allowing the building to remain virtually empty on the ground floor. Mr. Kirschner said that Voit is willing to provide the Council with detailed information on every restaurant/retail contact that is made requested that Voit retain the ability to secure office tenants rather than remain empty.

Councilmember Kavanaugh emphasized the importance of siting a full service restaurant and retail operations on the main floor of the building and added the opinion that the Agreement contains sufficient flexibility to allow Voit to readdress the Council on this issue following the 18 month period of time.

Upon tabulation of votes, it showed:

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

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

2. Discuss and consider increased City financial support for the Kids CAN! Program.

Community Services Manager Wayne Korinek advised that the Kids CAN! Program, which is sponsored by the Mesa United Way, the City of Mesa, the Mesa School District and other participants, was briefly discussed as part of the Department's supplemental requests at the recent budget sessions. Mr. Korinek introduced Debra Duvall, representing Mesa Public Schools and Harvey Prezant, representing the United Way, to the members of the Council. Mr. Korinek stated that in September 1997, the Council authorized a \$10,000 grant as part of a partnership among the City, Mesa Public Schools and the United Way, to implement a site based youth/family program at Taft Elementary School. Mr. Korinek reported that according to recent statistics, the program at Taft Elementary School has proven to be a very successful and worthwhile endeavor and said that 38% of the students participate in the program.

Discussion ensued relative to the fact that in early 1997, the Mesa United Way received a limited three year grant in the amount of \$396,000 from the DeWitt Wallace-Readers Digest Foundation, the fact that the purpose of the grant was to assess methods of fostering positive youth development and parental involvement, the pursuit of additional grants, and the fact that the result of the assessment focused on planning and coordinating a site-based effort consisting of youth/family programs ultimately in five low to moderate income neighborhoods at elementary schools.

Mr. Korinek advised that staff and the other program participants are requesting that 1) the Kids CAN! Program be continued through Fiscal Year 99-00 and expanded to include five sites, and 2) that additional funding be authorized by the City in the amount of \$50,000, \$10,000 for each of the schools. Mr. Korinek discussed the participants' intention to appear before the Council once again at the end of the proposed funding program to evaluate the program and determine future action.

Debra Duvall, representing Mesa Public Schools, provided brief history of the development of the program and noted that a major aspect of the program is centered on identifying what the students do to occupy their time outside of the school day and initiating steps within the community to provide those students with opportunities for supervision, learning, developing, hobbies and constructive use of their leisure time. Ms. Duvall outlined the extensive benefits of the Kids CAN! Program and the positive effects the program is already having on the City's youth. Ms. Duvall noted that the funding costs are paid for by the three participating organizations and urged the Council to approve the extension of the program and the additional funding.

Harvey Prezant, representing the United Way, briefly discussed current grants that are in place and provided an overview of additional grants that are being applied for by the organization. Mr. Prezant emphasized that the purpose of the United Way is to continue to solicit grant funding for this worthwhile program.

Councilmember Pomeroy spoke in support of the recommendations and the program and thanked the participants for the efforts.

It was moved by Councilmember Pomeroy, seconded by Councilmember Kavanaugh, that staff's recommendations relative to program expansion and additional funding be approved.

In response to a question from Councilmember Hawker, Assistant City Manager Mike Hutchinson advised that this item is being presented today in order to gain Council input prior to next week's discussion of final budget recommendations. Mr. Hutchinson added that should Council direct staff to proceed with this proposal, the required funds will be included in the final budget totals. Mr. Hutchinson noted that there are a number of other items that will also be considered by the Council at the upcoming meeting.

Councilmember Hawker stated the opinion that voting in support of the motion indicates approval of the funding and expressed concerns relative to considering this one item at this time. Councilmember Hawker added that he would prefer reviewing all of the items prior to determining whether to allocate funding for the Kids CAN! Program.

Councilmember Davidson stated the opinion that a vote on this item will only signify Council's direction to allow this item to be further discussed at the next budget meeting.

Councilmember Pomeroy commented that a variety of issues were discussed at prior budget meetings and direction was given to staff to include those items in the budget. Councilmember Pomeroy clarified that his motion is to allow the funding for this program to be included in the budget and said that should the Council vote at the next meeting not to allocate funding for this program or any other, the item will be removed.

In response to a question from Councilmember Davidson, Councilmember Hawker indicated that he will support allowing this item to move forward and be discussed and considered along with the other programs at the next budget meeting.

Vice Mayor Giles indicated support for the program and expressed appreciation to the participants for their efforts.

Councilmember Jaffa requested that future budgets, including multi-year budgets, contain all of the requests for funding at the onset of the budget review sessions. Councilmember Jaffa spoke in support of the recommendations and urged staff to secure additional information relative to the amount of in-kind services that are provided.

Upon tabulation of votes, it showed:

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

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

3. Discuss and consider increased City financial support for the Neighborhood Economic Development Corporation (NEDCO).

Councilmember Kavanaugh advised that he and Councilmember Davidson requested that this item be placed on the agenda for Council discussion and consideration. Councilmember Kavanaugh noted that he serves as the Mesa City Council's representative to the Neighborhood Economic Development Corporation (NEDCO), a non-profit organization in the community whose goals is to work on economic development issues within various neighborhoods in Mesa's low and moderate income neighborhoods. Councilmember Kavanaugh

added that it is NEDCO's intention to provide technical assistance to neighborhood groups on various types of programs in an effort to stimulate economic development in those areas.

Councilmember Kavanaugh introduced Michael Kuhlmann, President of the NEDCO Board, Boardmember Jim Tuvell, Vice President of the Arizona Multibank, Boardmember Stephanie Wright and Karen LaFrance, Executive Director of the NEDCO Board. Councilmember Kavanaugh stated that the purpose of this item is to introduce the Council to NEDCO and to review one of the many programs that the organization hopes to establish within the community to assist neighborhoods in their economic development efforts.

Discussion ensued relative to the fact that a number of other communities in Arizona have partnered with the Arizona Multibank, which is a State-wide organization which creates community lending programs to assist and strengthen businesses in neighborhoods. Councilmember Kavanaugh commented that NEDCO is requesting that the City of Mesa participate in the proposed Community Lending Program, which is a type of loan guarantee or revolving fund and which provides administrative assistance to NEDCO to operate the program, the fact that the Arizona Multibank would arrange all loans and allocate funding, and the fact that the City's contribution to this program would assist in leveraging Multibank monies and provide loan guarantees, the fact that the program has proven to be successful in a number of other communities and the fact that issues related to funding sources (CDBG or General Fund) have to be discussed among staff.

Mr. Kuhlmann, President of the NEDCO Board, noted that the key focus of the organization is to foster economic development in low to moderate income neighborhoods throughout the City. Mr. Kuhlmann stated that the organization provides technical assistance to the community, assists in building family capital through individual development initiatives and fosters business capital and capacity expansion. Mr. Kuhlmann requested that the City of Mesa enter into a partnership with NEDCO to establish a community lending program in Mesa.

In response to a question from Councilmember Hawker, Mr. Kuhlmann clarified that NEDCO intends to address start-up capital for businesses or expansion for non-bankable clients. Mr. Kuhlmann explained that by utilizing Arizona Multibank as the lender, the organization would be providing loan guarantees to the Multibank. Mr. Kuhlmann added that NEDCO is requesting \$175,000 for loan guarantees and an additional \$25,000 to cover organizational costs.

Councilmember Hawker stated the opinion that it would be inappropriate for the City of Mesa to become involved in loaning monies to private businesses and stated that although he approves of the concept, the funding source should not be government related.

Boardmember Stephanie Wright commented that an opportunity exists to secure funds for lending to businesses which would not typically qualify for bank lending and noted that matching funds are available from the Federal government. Ms. Wright added that securing the Federal funds is a lengthy endeavor. Ms. Wright commented on the strong demand that exists for this type of program and said that the community lending program will enable them to proceed without further delay.

Boardmember Jim Tuvell, representing the Arizona Multibank, advised that City funds would not be directly allocated to private enterprise in the form of loans or other methods, and said that 100% of the loan funds would be provided by Arizona Multibank which represents 100% private sector funds from the large banking institutions. Mr. Tuvell added that \$175,000 in City funds would be used as stand-by guarantees (partial sliding-scale guarantees) for the loans that the bank approves for the non-bankable businesses. Mr. Tuvell said that the additional \$25,000 would be used by NEDCO to cover the costs of providing technical assistance to the businesses as required.

Councilmember Hawker indicated that if he voted in support of this program, he would require that the request for funding be included as one of the many priority requests for Community Development Block Grant (CDBG) funds that are received by the City. Councilmember Hawker commented that the program has merit but reiterated the opinion that City funds should be utilized. Councilmember Hawker also questioned the legality of utilizing City funds for this purpose.

In response to a question from Councilmember Davidson, City Attorney Neal Beets expressed the opinion that a significant legal issue exists. Mr. Beets stated that although no provision exists within the Federal Constitution prohibiting Federal income tax dollars from being utilized for programs such as NEDCO, the Arizona Constitution and a number of other state constitutions, contain a specific provision which states that the cities may not lend our credit in the aid of any individual, association or corporation. Mr. Beets added that this provision would have to be explored and noted that in the past, the City of Mesa has utilized CDBG funds, rather than general fund monies, for similar purposes.

Councilmember Davidson recommended that this issue be moved forward for further discussion and consideration during the next budget meeting.

Councilmember Kavanaugh emphasized that other cities have reviewed the same issues and proceeded with the funding as requested. Councilmember Kavanaugh encouraged staff to contact those other entities and determine their reasoning for proceeding. Councilmember Kavanaugh noted the benefits that would be provided businesses in Mesa and urged the Council to allow this item to proceed and be discussed further at the next budget session.

Councilmember Jaffa spoke in support of discussing this at the upcoming budget meeting and noted that the City currently funds a considerable amount of community service related activities. Councilmember Jaffa cautioned against approving funding for programs which the public may not support and said that identifying private sources and/or 501-C3 sources should be explored. Councilmember Jaffa requested that staff provide data outlining the amount of human services funding allocated by the City of Mesa compared to the monies expended by surrounding cities and towns.

In response to a question from Councilmember Pomeroy, Mr. Beets expressed the opinion that a number of the other cities and towns which are participating in the program may be utilizing CDBG funds for that purpose. Mr. Beets stated that a variety of issues would have to be reviewed.

Discussion ensued relative to methods of funding utilized by the other cities.

Councilmember Pomeroy expressed the opinion that legal research should be performed prior to considering this item and said that he would not support moving forward on this item until the legal issues have been addressed.

It was moved by Councilmember Kavanaugh, seconded by Councilmember Davidson, that staff be directed to work with NEDCO Boardmembers and staff in addressing the questions that were raised at this meeting and that staff present their findings and recommendations to the Council at a meeting to be held next week. In response to a question from Vice Mayor Giles, Mr. Tuvell commented that the Arizona Multibank's interest rates are slightly higher than market rates to reflect the risks that are associated with the loans.

Community Development Manager Wayne Balmer advised that NEDCO failed to submit an application for CDBG funds and were not included in the budget. Mr. Balmer added that staff did include \$25,000 in the

proposed budget for consulting services to work with various neighborhood organizations and said that a portion of the previously approved CDBG program funds could be utilized to work with NEDCO to develop an application for CDBG funds in the Fall of 1999.

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

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

Vice Mayor Giles thanked the speakers for their input.

4. Discuss and consider a status report on Native Plant Preservation.

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.

Mr. Balmer discussed staff's efforts to develop a Native Plant Preservation program for the City of Mesa and advised that a number of other communities, such as Scottsdale, Cave Creek and Tucson, have already developed similar programs. Mr. Balmer stated that native plant preservation would represent one part of a three-part program that is being developed by staff and outlined the three proposed objectives: 1) develop a native plant preservation program and determine which methods the City will utilize in determining the manner in which to preserve and maintain native plants for future use; 2) review Desert Uplands Guidelines, which are currently only applicable to the northeast portion of Mesa, and 3) review the Residential Development Design Guidelines. Mr. Balmer stated the opinion that by pursuing the above three listed processes, staff will be able to develop a program of land use and design for the Desert Uplands area, establish design guidelines for residential and other development, and determine the manner in which to use and reuse the current vegetation to accentuate that area.

Mr. Balmer requested Council direction relative to this agenda item and questioned whether actual "guidelines" should be established or an ordinance be adopted regarding this item. Mr. Balmer added that if the Council determines that an ordinance should be adopted, staff is recommending that the other two guidelines (Desert Uplands and Residential Development Design Guidelines) also become ordinances.

Planning Director Frank Mizner introduced City Planner Whidul Alam to the Council and briefly highlighted a presentation regarding this agenda item.

Discussion ensued relative to existing programs in other cities and the contents of reports that have been submitted to the Council for review.

Carol Owens, a resident of Apache Junction and a citizens concerned with preserving native wild life and plant life, spoke in support of the proposal but encouraged the Council to initiate measures to protect the wild life that exists in the native plant areas. Ms. Owens stressed the importance of preserving desert cactus and urged the Council to adopt an ordinance that would protect the endangered plants and wildlife. Ms. Owens also offered to provide assistance and/or information as requested.

Vice Mayor Giles thanked Ms. Owens for her input and concern regarding this important matter.

Councilmember Kavanaugh commended Mr. Mizner and staff on their efforts to develop the guidelines and the preparation of a comprehensive report containing options for consideration. Councilmember Kavanaugh

recommended that staff be directed to proceed with the preparation of a draft ordinance relative to this issue for future review and additional consideration.

Councilmember Pomeroy spoke in support of drafting an ordinance.

In response to a question from Councilmember Davidson, Mr. Mizner stated that staff will also present recommendations to the Council on the Desert Uplands Guidelines and Residential Development Design Guidelines at a future meeting.

Councilmember Davidson expressed the opinion that the Residential Development Design Guidelines should remain separate from the other guidelines and indicated that the Desert Uplands and Native Plant Preservation be addressed at this time.

It was moved by Councilmember Davidson, seconded by Councilmember Kavanaugh, that staff be directed to prepare a Native Plant Preservation draft ordinance for Council consideration.

Upon tabulation of votes, it showed:

AYES - Giles-Davidson-Hawker-Kavanaugh-Pomeroy
ABSTAIN - Jaffa
ABSENT - Brown

Vice Mayor Giles declared the motion carried unanimously by those present and voting.

5. Review and consider possible regulation of motorized play vehicles and motorized skateboards.

Councilmember Davidson commented on the fact that an accident involving the proposed discussion items recently occurred and questioned whether this item be postponed to a future date. Councilmember Davidson requested Council input.

Councilmember Kavanaugh stated that he does not object to continuing this item and stated that he supports the concept and agrees with the importance of addressing this important issue.

Councilmember Hawker stated that he is prepared to discuss the issue at this time.

Councilmember Davidson provided a brief overview of this item and stated the opinion that an ordinance is required to regulate the operation of motorized play vehicles and skateboards in order to protect the safety and well being of the youths in the City. Councilmember Davidson noted that the Town of Gilbert has adopted an ordinance setting guidelines for motorized play vehicles, specifically go-peds, and stated the opinion that the ordinance lacks practicality and content and is unenforceable. Councilmember Davidson requested that staff be directed to draft an ordinance banning the use of motorized skateboards within the City of Mesa and to draft an additional ordinance that is less restrictive than the total banning, but more inclusive and understandable than the Town of Gilbert's ordinance.

In response to a question from Councilmember Hawker, City Attorney Neal Beets stated the opinion that should staff vote in support of proceeding with the adoption of an ordinance, he will work closely with the Police Department and gain their input relative to this matter.

Police Chief Jan Strauss addressed the Council and noted that go-peds are required to obey the same laws as bicycles (ride with the flow of traffic) and are not required to be registered or licensed based on the fact that they do not meeting the State's definition of a motor vehicle. Chief Strauss added that no age limitation has

been placed on the operation of go-peds, which reach speeds of approximately 15 to 20 miles per hour but have the capability of being speed enhanced. Chief Strauss commented that the vehicles are required to have lights at night although a majority of them are not equipped with lights. Chief Strauss emphasized that helmets are not required and said that the vehicles sell for approximately \$400 apiece. Chief Strauss reported that although the vehicles should not be driven on the sidewalks, they frequently do so and commented on the safety hazards for youths associated with this type of transportation.

Councilmember Davidson commented that the motorized vehicles represent a public safety hazard and stressed the importance of considering a total ban.

Councilmember Pomeroy concurred on the safety hazards associated with the motorized vehicles and the importance of addressing this matter as soon as possible.

In response to a question from Councilmember Jaffa, Chief Strauss stated that due to the large number of bicycles on the roadways, the number of bicycle accidents far outweigh motorized play vehicle accidents. Chief Strauss indicated that staff will pursue this matter and develop statistics relative to the number of actual accidents and the seriousness of the incidents.

Councilmember Jaffa stated the opinion that a variety of issues remain to be addressed including parental involvement, enforcement and penalties.

In response to questions and concerns from Councilmember Hawker relative to the City's ability to enact a total ban and alternative options, Mr. Beets stated the opinion that he will research this matter and report his findings to the Council.

Vice Mayor Giles spoke in support of adopting regulations regarding this issue and said that at this time he does not favor a total ban.

It was moved by Councilmember Davidson, seconded by Councilmember Kavanaugh, that staff be directed to prepare two draft ordinances, (1) a total ban in the public right-of-way on motorized play vehicles/skateboards within the City of Mesa, and (2) a regulatory draft ordinance regarding motorized play vehicles/skateboards encompassing provisions similar to those adopted by the Town of Gilbert.

AYES - Giles-Davidson-Kavanaugh-Pomeroy
NAYS - Hawker-Jaffa
ABSENT - Brown

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

6. Appointments to Boards and Committees.

Vice Mayor Giles presented Mayor Brown's recommendations regarding the following appointments to Boards and Committees:

BOARD OF ADJUSTMENT

Webb Crockett – Term to expire June 30, 2001.

PLANNING AND ZONING BOARD

Claudia Walters (transfer from Downtown Development Committee – Term to expire June 30, 2000.

It was moved by Councilmember Pomeroy, seconded by Councilmember Davidson that the Council concur with the Mayor's recommendations and the appointments be confirmed.

Upon tabulation of votes, it showed:

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

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

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

Councilmember Hawker discussed his recent attendance at a Southwest Regional Recycling Seminar and Rio Salado meeting.

8. Scheduling of meetings and general information.

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

Monday, May 24, 1999, 3:30 p.m. - Utility Committee Meeting

Thursday, May 27, 1999, 7:30 a.m. - Study Session (followed by a Fire Committee Meeting)

Thursday, May 27, 1999, 3:30 p.m. - General Development Committee Meeting

9. Prescheduled public opinion appearances (there will be a maximum of three speakers for three minutes per speaker).

Vice Mayor Giles advised that there were no prescheduled public opinion appearances.

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

Vice Mayor Giles advised that there were no items from citizens present.

11. Adjournment.

Without objection, the Study Session adjourned at 9:30 a.m.

Carried unanimously.

JIM DAVIDSON FOR
VICE MAYOR JOHN GILES

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 20th day of May, 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