

COUNCIL MINUTES

July 19, 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 July 19, 1999 at 4:01 p.m.

COUNCIL PRESENT

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

COUNCIL ABSENT

None

STAFF PRESENT

C.K. Luster
Vince Anderson
Don Ayers
Wayne Balmer
Neal Beets
Denise Bleyle
Jamie Brennen
Candace Cannistraro
Dennis Compton
Linda Crocker
Sheryl Currell
Jack Friedline
Penny Griffin
Joe Holmwood
Mike Hutchinson
Barbara Jones
Richard Kasper
Kari Kent
Karen Kille
Ron Krosting
Dorinda Larsen
Greg Marek
Jeff Martin
Keith Nath
Joe Padilla

STAFF PRESENT (CONT.)

Bryan Raines
Andrea Rasizer
Regan Robbins
Dan Saban
Sharon Seekins
Jenny Sheppard
Jan Strauss
Doug Tessoroff
Kim West
Mindy White
Larry Woolf
Others

OTHERS PRESENT

Fred Ash
Sean Lake
Barrett Marson
Malcolm Ross
Robbie Sherwood
Tom Verploegen
Fred Williams
Chris Zaharis
Others

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

1. Review items on the agenda for the July 19, 1999 Regular Council Meeting.

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

5. Consider the following contracts:

- *f. Digital Aerial Photography Services related to the City's Geographic Information Systems Project.

In response to a question from Councilmember Davidson, Purchasing Director Sharon Seekins provided input relative to the bids received and stated the opinion that staff's recommendation represents the best value and benefit for the City.

6. Introduction of the following ordinances and setting August 2, 1999 as the date of the public hearing on these ordinances.

- t. Modifying rate schedules for interdepartmental utility rates and charges for other related services.

Assistant to the City Manager Bryan Raines provided the Council with a brief explanation of interdepartmental utility rates.

- *u. Relating to animals, public health and public nuisances.

In response to a question from Councilmember Kavanaugh, City Attorney Neal Beets advised that grandfathering provisions have not been included in the proposed ordinance. Mr. Beets added that ordinances typically go into effect thirty (30) days after passage but said that should the Council desire, a delayed effective date may be implemented. Mr. Beets also noted that the Council may choose to allow the ordinance to go into effect after the 30-day period but may instruct staff not to pursue enforcement for a certain period of time to provide citizens adequate time to initiate compliance measures.

Councilmember Pomeroy expressed concerns relative to the fact that although owners may securely lock the animals' shelter, escape may still occur. Mr. Beets advised that primates that become loose will be considered in violation of the proposed ordinance and the owners of those animals will be subject to penalties.

10.3. Consider a resolution authorizing the lease and lease-back of certain real property located at Center and Second Avenue and improvements thereon by the City pursuant to a ground lease and a lease-purchase agreement; approving the execution, sales and delivery of Certificates of Participation evidencing beneficial interests in the lease-purchase agreement and the entering into of necessary agreements related thereto; and declaring an emergency.

Mr. Beets informed the Council that he has researched this agenda item and determined that it is not necessary to include an emergency clause in the proposed resolution.

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

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

Community Development Manager Wayne Balmer distributed two handouts relative to this case and noted that in response to concerns expressed by the Mesa Police Department, the developer has indicated his willingness to add language to pertinent documents notifying potential buyers of a variety of existing and future issues, including the close proximity of the Police Department's firing range and the proposed expansion of the Red Mountain freeway.

Mr. Balmer stated that following further evaluation, it is his personal recommendation that the Council deny the applicant's request for rezoning. Mr. Balmer noted that although staff's recommendation remains that the Council approve the case, compatibility issues and other considerations have resulted in Mr. Balmer's revised opinion and recommendation.

2. Further discussion and consideration regarding a second amendment to the Disposition and Development Agreement for the Mesa Verde Interactive Leisure Project (Site 17). (See Council agenda item 10.1 for report and agreement.)

Community Development Manager Wayne Balmer referred to a sketch of the proposed site and discussed the purchase of an additional five acres of land to be used as the site of a parking garage to accommodate the expanded project. Mr. Balmer added that staff is recommending that the agreement be extended from 15 years to 20 years and urged the Council to support the proposed amendment. Mr. Balmer added that City Attorney Neal Beets has reviewed and approved the proposal.

Mr. Beets commented that all of the parties involved in this project have compromised in an effort to develop the proposed agreement and stated the opinion that the proposal is appropriate.

Malcolm Ross, President of Interactive Resources, addressed the Council relative to this agenda item and provided a brief overview of the status of the proposal. Mr. Ross commented that he is looking forward to working with the City of Mesa and developing a project that will benefit everyone involved.

Councilmember Kavanaugh expressed appreciation to everyone who actively participated in the progression of this project for their efforts and spirit of cooperation.

Discussion ensued relative to the final requirements that must be met by Mr. Ross, including the submission of a Standby Letter of Credit, and the fact that the City retains the ability to cancel the agreement should Mr. Ross not provide the required documents and financing/bonding commitments.

Mayor Brown commended Mr. Ross on his continuing efforts to bring the project to fruition.

3. Discuss and consider a request from Viewpoint RV & Golf Resort regarding the level of development fees to be charged for the remainder of construction.

Councilmember Jaffa indicated that he had a conflict of interest in connection with the matter currently under discussion which he wanted reflected in the minutes of the meeting and because of such conflict, he would refrain from discussing and/or participating in any manner in connection with same.

Fred Ash, representing Viewpoint RV and Golf Resort, addressed the Council relative to this agenda item. Mr. Ash noted that Ordinance No. 3502, which was adopted by the Council in July 1998 and became effective in November 1998, increased impact fees and stated the opinion that the fees that will have to be paid by the Resort to develop the facility's remaining 750 spaces, are inappropriate and should be revised. Mr. Ash requested that the Council reduce the development fees to be paid on the remaining sites from \$1,288 to \$338 per space and provided documentation relative to proposed calculations.

Discussion ensued relative to the contents of a report that was prepared on this issue and Mr. Ash's opinion that the report does not take into consideration the burden that has been placed on RV parks, Mr. Beet's opinion that it would not be appropriate for the City to adopt special legislation to benefit only one entity, the establishment of the revised rates, the differences between RV and mobile home parks and the amount of utilities utilized by both, the fact that the City incurs water treatment and infrastructure costs associated with

winter excessive usage, and staff's recommendation that the request for a reduction in development fees be denied.

Councilmember Hawker commented on the fact that a second study will be conducted in the future and an additional category relating to RV's will be addressed at that time. Councilmember Hawker stated that he visited the site and said that although the Resort contains a number of unique characteristics, he will remain consistent and vote to deny the request for a rate reduction.

Councilmember Pomeroy agreed that the enactment of special legislation for the Resort would be inappropriate but stated the opinion that RV parks should be reviewed separately from mobile home parks in the future.

It was moved by Councilmember Pomeroy, seconded by Vice Mayor Giles, that staff be directed to review and analyze development impact fees for mobile homes and RV parks and provide recommendations to the Council.

Additional discussion ensued relative to the appropriateness of singling out one area for additional study and special consideration, the fact that staff will present development fee proposals after the first of the year followed by a 60 to 90 day adoption process, the fact that should the Council revise the Resort's fees, other entities will request similar reconsideration and relief, and staff's concern that analyzing only one segment of the community would be difficult to accomplish.

Vice Mayor Giles requested that he be provided a critique of Mr. Ash's comments in memorandum form and questioned whether the original consultant carried out his responsibilities in a thorough manner.

In response to comments from Mayor Brown, Mr. Beets stated the opinion that the City may review all classifications but when the actual study is conducted, it should occur in a comprehensive manner in order to accurately determine overall costs and demands.

Councilmember Pomeroy withdrew his motion. Vice Mayor Giles withdrew his second to the motion.

It was moved by Councilmember Hawker, seconded by Vice Mayor Giles, that the Council support the manner in which the impact fees are currently established, including the proposed effective date, and that a request to grandfather Viewpoint RV and Golf Resort be denied.

Carried unanimously.

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

- a. Design Review Board meeting held July 7, 1999.
- b. Economic Development Advisory Board meetings held June 17 and 24, 1999.
- c. Industrial Development Authority Board meeting held July 13, 1999.
- d. Police Committee meeting held July 12, 1999.

It was moved by Vice Mayor Giles, seconded by Councilmember Kavanaugh, that receipt of the minutes of the above-listed boards and committees be acknowledged.

Carried unanimously.

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

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

Mr. Balmer informed the Council that Mr. Richard "Dick" Mulligan has been selected as the City's Economic Development Director. Mr. Balmer noted that Mr. Mulligan once served as an intern in the Mesa City Manager's Office and provided a brief overview of Mr. Mulligan's extensive background and expertise.

Mayor Brown welcomed Mr. Mulligan to his new position and stated that the Council looks forward to working with him in the future.

6. Scheduling of meetings and general information.

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

Wednesday, July 21, 1999, 3:00 p.m. - Joint Transportation Committee/Transportation Advisory Board

Thursday, July 22, 1999, 7:30 a.m. - Study Session

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

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

8. Adjournment.

Without objection, the Study Session adjourned at 5:15 p.m.

WAYNE BROWN, MAYOR

ATTEST:

BARBARA JONES, CITY CLERK

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the Study Session of the City Council of Mesa, Arizona, held on the 19th day of July, 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