

# COUNCIL MINUTES

February 16, 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 February 16, 1999 at 5:05 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  
Joan Baier  
Wayne Balmer  
Neal Beets  
Denise Bleyle  
Jamie Brennen  
Tanya Collins  
Linda Crocker  
Jack Friedline  
Glenn Gorke  
Mike Hutchinson  
Barbara Jones  
Karen Kille  
Wayne Korinek  
Ron Krosting  
Karen Kurtz  
Rich Lorig  
Greg Marek  
Jeff Martin  
Patrick Murphy  
Keith Nath  
Eric Norenberg

## STAFF PRESENT (CONT.)

Ellen Pence  
Bryan Raines  
Andrea Rasizer  
Tom Remes  
Becky Richardson  
Regan Robbins  
Sharon Seekins  
Jenny Sheppard  
Mike Whalen  
Mindy White  
Paul Wilson  
Mark Woodward

## OTHERS PRESENT

Margie Frost  
Joe Guinn  
Marilyn Wennerstrom  
Marty Whalen  
Dave Udall  
Others

### 1. Review items on the agenda for the February 16, 1999 Regular Council Meeting.

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

Councilmember Hawker advised that the minutes of the February 1, 1999 Regular Council Meeting reflected that the following item was continued to the Regular Council Meeting following this Study Session:

### 7. Consider the following resolutions:

- \*g. Approving the recommendation of the study being conducted by the Arizona Department of Transportation (ADOT) on the Superstition Freeway regarding the addition of one high occupancy vehicle (HOV) lane and general purpose lanes, and urging other East Valley cities to consider the regional implications of this issue as recommended by the Transportation Advisory Board and the Transportation Committee.

Councilmember Hawker commented that this item has been continued once again to the March 1, 1999 Regular Council Meeting and recommended that the public be made aware of the additional delay.

Mayor Brown advised that the Maricopa Association of Governments (MAG) Regional Council will be considering transportation issues on February 24, 1999 and said that this agenda item will be discussed following the outcome of that meeting. Mayor Brown added that a staff update on this issue will be placed on the agenda of the Thursday, February 25, 1999 Council Study Session.

City Attorney Neal Beets recommended that Councilmember Hawker announce at the beginning of the Regular Council Meeting that this item has been continued to the Thursday, February 25, 1999 Council Study Session.

4. Consider the following contracts:

- \*f. Macdonald Street Parking Structure.

In response to a question from Councilmember Kavanaugh, City Manager Charles Luster noted that the Voit Company has spent a significant amount of funds to date and stated the opinion that the company will proceed with the project. Mr. Luster added that building plans have been submitted for approval and that a building permit will be issued in the near future. Mr. Luster stressed the importance of completing the garage structure prior to the holiday season and said that delays will negatively impact the project's schedule.

Councilmember Kavanaugh commented that discussions had previously occurred relative to continuing with this project after the City had received adequate guarantees that the Voit project was proceeding and questioned whether any guarantees have been provided to the City as of this date.

Mr. Beets advised that staff previously submitted several suggestions to Voit Company representatives regarding this issue, including a recommendation that the Company provide the City with a promissory note in the amount of \$4.2 million that could be negotiated should the project fail for any reason. Mr. Beets reported that although staff was under the impression that the promissory note would be issued, no such note and/or any other type of guarantee has been received to date.

Mr. Beets pointed out that alternative security options that may be considered include the issuance of a standard performance bond, pledging certificates of deposit, and the issuance of a irrevocable letter of credit.

Mr. Luster commented on the issue of the promissory note and informed the Council of Mr. Voit's concerns relative to the fact that once the promissory note has been issued, a significant amount of funds will be "tied up." Mr. Luster added that the funds are paramount to the project and this is the reason why Mr. Voit has not issued a note.

In response to a request from Councilmember Kavanaugh, Mayor Brown advised that this item will be removed from the Consent Agenda.

Mayor Brown stated the opinion that the Town Center area needs additional parking and expressed the opinion that regardless of whether the Voit Project is successful, construction of the parking garage should proceed.

5. Consider the following resolutions:
  - d. Authorizing the City Manager to sign a Memorandum of Understanding concerning the Rio Salado Multipurpose Crossing Project.

In response to a request from Vice Mayor Giles, Mayor Brown advised that this item will be placed on the Consent Agenda for continuance to the March 1, 1999 Regular Council Meeting.

6. Consider the following ordinance:
  - \*a. Relating to auctioneers, pawnbrokers, scrap metal dealers, and second hand dealers; amending Sections 5-7-1 of the Mesa City Code; providing for severability and providing penalties for violations, as recommended by the Police Committee.

In response to a question from Councilmember Jaffa, Mr. Beets stated the opinion that Councilmember Jaffa may have a potential conflict of interest regarding this agenda item and should declare same.

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

Mayor Brown advised that this item will be removed from the Consent Agenda.

- 6.1 Consider the recommendations from the Utility Committee meeting held February 16, 1999.

Councilmember Kavanaugh, who serves as Chairman of the Utility Committee, advised that at a meeting held immediately prior to this Study Session, staff and a consultant hired by the City presented the Committee with an overview of an electric utility rate unbundling study for the City of Mesa that was recently conducted. Councilmember Kavanaugh advised that the Committee's recommendations to the Council regarding this issue are: 1) that staff pursue the simplification of the City's commercial utility rates; and 2) that in an effort to provide additional information to the City's utility customers, unbundled rates be printed on customer billing statements.

Chairman Kavanaugh stated that he will present the recommendations at the ensuing Regular Council Meeting for Council action.

7. Consider the following cases from the Planning and Zoning Board and possible adoption of the corresponding ordinances:
  - \*a. A98-84 South and east of the southeast corner of Lindsay and McKellips Roads.

Community Development Manager Wayne Balmer advised that the applicant has submitted a letter requesting that this case be withdrawn.

Mayor Brown advised that this case will remain on the Consent Agenda for the purpose of being withdrawn as requested by the applicant.

- b. Z98-113 201 North Hobson.

Mr. Balmer informed the Council that a letter has been received from Mr. Sean Lake, an attorney representing the applicant, requesting that this case be continued to the March 1, 1999 Regular Council Meeting. Mr. Balmer explained that petitions in opposition to the approval of the case were submitted by Inez Taylor and Mr. Lake has requested the additional time to address Ms. Taylor's concerns.

Mayor Brown advised that this item will be placed on the Consent Agenda for the purpose of a continuance to the March 1, 1999 Regular Council Meeting.

- d. Z99-2 The southwest corner of Sossaman and McDowell Roads.

Mr. Balmer advised that staff has received letters from the Spook Hill Homeowners' Association stating their support for the approval of this case. Mr. Balmer added that the case still requires a  $\frac{3}{4}$  vote of the Council for approval based on the fact that a property owner located on the east side of Sossaman Road has filed a protest because the applicant has not requested that the property be zoned commercial. Mr. Balmer explained that the protesting property owner intends to pursue commercial zoning for his parcel of land at that location and believes that commercial zoning is the only appropriate zoning for this site.

Mr. Balmer also informed the Council that a letter has been received from Blandford Homes as the Master Developer of Las Sendas stating the company's willingness to allow the applicant to deannex the property from the Las Sendas DMP as required under Stipulation No. 11.

Mayor Brown advised that this case will be placed on the Consent Agenda for approval unless there are neighbors present at the meeting who request to speak.

- k. Z99-9 The NWC of Higley Road and Hampton Avenue.

Mr. Balmer advised that a meeting was held between the applicant's attorney and the neighbors and with the addition of two more stipulations in the form of a letter to be kept on file, it appears that an acceptable agreement has been reached.

Mayor Brown advised that this case will be placed on the Consent Agenda for approval unless there are neighbors present at the meeting who request to speak.

2. Hear a status report on the operations at the East Valley Transitional Training and Living Center (EVTTLIC).

Human Services Coordinator Karen Kurtz and Margie Frost, the Director of the East Valley Transitional Training and Living Center (EVTTLIC) and an employee of the Mesa Community Action Network (Mesa CAN), addressed the Council regarding this agenda item.

Ms. Kurtz provided a brief overview of the operations of the EVTTLIC and advised that the program is the first year-round training center and shelter for homeless men in the East Valley. Ms. Kurtz noted that the creation of the facility was recommended in 1996 by the Task Force on Homelessness in Mesa. Ms. Kurtz added that MesaCAN, which previously operated the City's Temporary Winter Shelter, decided to pursue the establishment and operation of the Center and has been successful in raising over \$1 million to support the acquisition, rehabilitation, and first year operating costs for the facility.

Discussion ensued relative to the fact that the facility began operating a modified program, which allows a maximum of 50 men to participate, on December 17, 1998, that the bathroom facilities are currently operational at this time, the residents' schedule and responsibilities, including the fact that working residents

are required to save a minimum of 70% of their earnings which will later be used to obtain housing, the fact that as of February 2, 1999, the Center's average occupancy is 32 residents per night, the fact that 129 homeless men have stayed at least one night at the Center, the importance of monitoring the program, a status report on the accomplishments of the residents and the fact that full completion of the facility is expected to occur within two to three months.

Councilmember Pomeroy and Mayor Brown commended Ms. Kurtz, Ms. Frost and everyone involved in this worthwhile project.

In response to a question from Councilmember Davidson, Ms. Kurtz indicated that the neighborhood where the Center is located has not experienced an increase in homeless people and explained that the users of the Center are bused to the facility.

Ms. Kurtz advised that all of the surrounding cities are financially participating in the Center and expressed the opinion that those communities which are not contributing the amounts suggested by the City of Mesa may decide to increase their donation for the coming year now that the program is operational.

3. Acknowledge receipt of minutes of various board and committees.

- a. Adjustment Board meeting held February 2, 1999.
- b. Housing and Human Services Advisory Board meeting held January 27, 1999.
- c. Judicial Advisory Board meeting held February 3, 1999.
- d. Transportation Committee meeting held January 11, 1999.

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

Carried unanimously.

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

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

5. Scheduling of meetings and general information.

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

Thursday, February 18, 1999, 8:00 a.m. – Council Study Session

Thursday, February 25, 1999, 8:00 a.m. – Council Study Session

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

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

7. Adjournment.

Without objection, the Study Session adjourned at 5:45 p.m.

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WAYNE BROWN, MAYOR

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 the 16th day of February 1999. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this \_\_\_\_ day of \_\_\_\_\_ 1999

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BARBARA JONES, CITY CLERK