

COUNCIL MINUTES

July 12, 2006

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 12, 2006 at 4:45 p.m.

COUNCIL PRESENT

Mayor Keno Hawker
Kyle Jones
Tom Rawles
Scott Somers
Claudia Walters
Mike Whalen

COUNCIL ABSENT

Rex Griswold

OFFICERS PRESENT

Christopher Brady
Debbie Spinner
Barbara Jones

Mayor Hawker excused Councilmember Griswold from the meeting.

1. Review items on the agenda for the July 12, 2006 Regular Council meeting.

All of the items on the agenda were reviewed among Council and staff and the following was noted:

Conflicts of interest declared: 6d (Hawker), (Whalen); 8i (Rawles)

2. Hear a presentation, discuss and provide direction on proposed legislative resolutions.

Assistant to the City Manager Jim Huling reported that each year, the League of Arizona Cities and Towns conducts a resolution process whereby member agencies submit resolutions to be included in the next year's Municipal Policy Statement for the upcoming legislative session. He stated that he and Government Relations Coordinator Scott Butler were present to seek Council direction relative to proposed Mesa-sponsored resolutions.

Mr. Butler advised that the League Resolutions Committee would meet to consider the resolutions during its Annual Conference in Tucson on August 22, 2006. He displayed a PowerPoint presentation and briefly highlighted the League resolution process and also reviewed the 2006 resolutions sponsored by the City. (The PowerPoint presentation is available for review in the City Clerk's Office.)

Mr. Butler stated that staff has recommended the following resolutions for Council consideration and approval:

1. Expanded Business Improvement Districts (BIDs)

Urges the Legislature to enact legislation that will allow for the expansion of Enhanced Municipal Services Improvement Districts.

Mr. Butler explained that during the past two legislative sessions, Mesa has joined Tucson and Phoenix regarding the expansion of Enhanced Municipal Services Improvement Districts or BIDs (Business Improvement Districts) into areas other than those designated as “blighted” or a “redevelopment area.” He stated that although such efforts have been unsuccessful to date, Mesa’s Economic Development Office has expressed interest in the tool. Mr. Butler added that it is an important issue, especially with respect to the work that has been undertaken by Mayor Hawker and Councilmember Rawles regarding the Fiesta Mall Quadrant.

In response to a question from Councilmember Rawles, Mr. Butler clarified that 51% of the commercial property owners of frontage property located within a proposed Business Improvement District must agree to pay assessments in order to fund area improvements.

Councilmember Rawles expressed opposition to the resolution and stated, in response to Mr. Butler’s comments, that the work he is doing relative to the Fiesta Mall Quadrant does not include a Business Improvement District. He stated that this is an example of a simple majority of property owners having the ability to “dictate monetary assessments” against the remaining property owners who may disagree with the assessment, do not feel they would receive a benefit from the area improvements, and would have no input with regard to electing the individuals who would determine the amount of the assessment.

Mayor Hawker commented that a Business Improvement District is an extremely complicated model and requested that staff provide additional information regarding the proposed resolution. He stated that although he concurs with the underlying concept that the property owners in the area would receive benefit from a Business Improvement District, he would prefer the formation of a non-government sponsored alliance. Mayor Hawker voiced opposition to the resolution.

Discussion ensued relative to the fact that a Business Improvement District was identified in the Fiesta Mall Area Super-Regional Retail District Report as a tool that would be beneficial to the area; that the model received support from Westcor; and that a city or town would be restricted to the creation of two Business Improvement Districts.

Vice Mayor Walters questioned what would prevent the businesses in the Fiesta Mall Quadrant Area from establishing a similar type of model now and also inquired what is the advantage that would be gained by creating Business Improvement Districts legislatively. She suggested that the property owners could create, for instance, a model similar to a Homeowners Association, wherein the business owners would agree to join the entity and comply with all of the rules and regulations associated therewith.

In response to Vice Mayor Walters’ comments, City Attorney Debbie Spinner said that her office would research the issue to assess what options are available.

Councilmember Whalen expressed opposition to the resolution moving forward at this time, although he acknowledged that he does support the creation of Business Improvement Districts. He noted, however, that if the Fiesta Mall Quadrant Area merchants came to the Council as a formal group (similar to the Downtown Mesa Association), he would be willing to consider it and sponsor the necessary legislation. Councilmember Whalen added that he would prefer that staff conduct additional research relative to this issue.

Councilmember Somers concurred with Councilmember Whalen's comments and stated that as the newest Councilmember, he would like to learn more about Business Improvement Districts.

Mayor Hawker stated that it is the consensus of the Council not to support the Business Improvement District resolution at this time.

Councilmember Jones commented that before a Business Improvement District could be formed, he would prefer that a higher percentage of participation (more than 51%) by the commercial property owners be required.

Councilmember Whalen said that to his recollection, the Los Angeles model requires that approximately 75% of the property owners in a Business Improvement District participate in the district and requested that staff research that issue.

Mayor Hawker informed the Council that Vice Mayor Walters would serve as the City's representative on the Resolutions Committee and vote on behalf of Mesa.

2. Sex Offender Clustering

Urges the Legislature to adopt new law to restrict convicted sex offenders from living within one thousand five hundred feet of a primary or secondary school or childcare facility.

Mr. Butler reported that a resolution regarding sex offender clustering was brought forward last year by Vice Mayor Walters and Councilmember Griswold. He stated that during the legislative session, Vice Mayor Walters and City Prosecutor John Pombier accompanied him to the Legislature to urge that the legislation restrict convicted sex offenders from living within 1500 feet of a primary or secondary school or childcare facility. Mr. Butler noted that although the bill did not pass out of Committee, there are several legislators who are interested in considering this resolution in the 2007 Legislative Session.

In response to a question from Councilmember Rawles, Mr. Butler stated that to the best of his recollection, the proposed legislation would apply only to existing schools and childcare facilities. He explained, as an example, if a registered sex offender moved into a neighborhood and a school or daycare facility was established subsequently, that individual would be "grandfathered in" and permitted to remain at his current residence.

Mayor Hawker stated that it is the consensus of the Council to proceed with the resolution regarding Sex Offender Clustering. He also requested that staff research the question posed by Councilmember Rawles.

Vice Mayor Walters stressed that she wanted to ensure that the categorization of a sex offender did not include individuals charged with lesser crimes such as public urination or, as an example, an 18-year old male engaging in sexual relations with his 16-year old girlfriend.

Mr. Butler clarified that Mr. Pombier crafted the legislation per the Dangerous Crimes Against Children section of the Arizona Revised Statutes, which would carry more severe penalties than the examples cited by Vice Mayor Walters.

Vice Mayor Walters said that she would like the Council to explore the possibility of including an additional Mesa-sponsored resolution, which would exempt senior citizens for the first \$100,000 of assessed valuation on their property from property tax in the State of Arizona. She commented that this is an important issue that was raised during Mesa's recent property tax election and one that should be addressed further.

Mayor Hawker commented that because the Regular Council meeting is scheduled to begin in 15 minutes, there is insufficient time for the Council to engage in a meaningful discussion regarding Vice Mayor Walters' proposal and also to complete the remaining Study Session agenda items. He stated that he would require additional information concerning Vice Mayor Walters' suggestion before he would feel comfortable addressing the issue.

City Manager Christopher Brady stated that the Council has been provided backup material regarding agenda items 3 and 4 and indicated that it would be unnecessary for staff to make formal presentations unless the Council so requested. He commented that relative to the legislative issues, it was his understanding that staff was directed to proceed with the Sex Offender Clustering resolution, pending a response to Councilmember Rawles' inquiry. Mr. Brady further noted that there would be future opportunities for staff to present legislative initiatives to the Council and added that staff would seek support from other cities as part of that process.

3. Hear a presentation on the 2006 Arizona Legislative Session Wrap-up.

Due to time constraints, staff made no formal presentation to the Council.

4. Hear an update on the leasing and operation of the Gene Autry Tennis Complex.

Due to time constraints, staff made no formal presentation to the Council.

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

There were no reports on meetings and/or conferences attended.

6. Scheduling of meetings and general information.

City Manager Christopher Brady stated that the scheduling of meetings is as follows:

Monday, July 17, 2006, 8:00 a.m. – Finance Committee (Mesa Plaza Building, Suite 870)

Thursday, August 10, 2006, 7:30 a.m. – Study Session

Thursday, August 10, 2006, 5:00 p.m. – Open House for New Mesa Police Chief

Monday, August 14, 2006, TBA p.m. – Study Session

Monday, August 14, 2006, 5:45 p.m. – Regular Council Meeting

7. Prescheduled public opinion appearances.

There were no prescheduled public opinion appearances.

8. Adjournment.

Without objection, the Study Session adjourned at 5:40 p.m.

KENO HAWKER, 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 12th day of July 2006. I further certify that the meeting was duly called and held and that a quorum was present.

BARBARA JONES, CITY CLERK

pag