

COUNCIL MINUTES

August 20, 1998

The City Council of the City of Mesa met in a Special Council Meeting in the lower level meeting room of the Council Chambers, 57 East 1st Street, on August 20, 1998 at 4:02 p.m.

COUNCIL PRESENT

Mayor Wayne Brown
Jim Davidson
John Giles
Keno Hawker
Dennis Kavanaugh
Bill Jaffa
*Pat Pomeroy (Telephone)

COUNCIL ABSENT

None

STAFF PRESENT

C.K. Luster
Wayne Balmer
Cindy Barris
Neal Beets
Dennis Compton
Mike Hutchinson
Janice Jackson
Barbara Jones
Dorinda Larsen
Ellen Pence
Bryan Raines
Andrea Rasizer
Tom Remes
Becky Richardson
Jenny Sheppard
Jan Strauss
Ursula Strephans

OTHERS PRESENT

Steve Betts
Robert Brinton
Cynthia Dunham
Robbie Sherwood
Marty Whalen
Others

(*Mayor Brown announced that Councilmember Pomeroy will participate in discussion and voting on agenda items by use of telephone conferencing.)

1. Consider the following resolutions.

- a. Re-creating a Multipurpose Facility District - Resolution No. 7247.
- b. Appointing two directors to the Board of Directors of the re-established Rio Salado Crossing Multipurpose Facilities District - Resolution No. 7248.

At the request of Mayor Brown, City Attorney Neal Beets briefly explained the two resolutions before Council. Mr. Beets reported that in July 1998, Council enacted a resolution establishing the Rio Salado Crossing Multipurpose Facilities District, which included sunset provisions stipulating that the District would terminate unless certain conditions were met. Mr. Beets advised that one of the conditions was that language would be recommended for a measure on the November 1998 ballot. Mr. Beets stated that the District has determined that additional time is necessary to prepare such language and because a ballot proposal has not been recommended, the sunset provision applies.

Mr. Beets said that two new resolutions have been prepared re-creating the Multipurpose Facilities District and reappointing two directors. Mr. Beets indicated that the new resolutions are similar to the former resolutions, with the following exceptions: a) the resolutions do not include an emergency clause and b) sunset provisions have been included, but the dates reflect a Spring 1999 election rather than a November

1998 election date. Mr. Beets added that the second resolution retains the appointments of Pat Gilbert and Marty Whalen to the District's Board of Directors.

Councilmember Hawker questioned the new election time frame. Mr. Beets advised that current State statutes pertaining to the District stipulate that an election must occur on a regularly scheduled election date for one of the participating municipalities or the State of Arizona. Mr. Beets reported that the Town of Gilbert has regular elections scheduled for March and May of 1999, therefore providing two potential election dates (should the Town of Gilbert adopt resolutions similar to those before Council). Mr. Beets noted that the City of Mesa does not have a regular election scheduled until the year 2000.

City Clerk Barbara Jones indicated that the next regularly scheduled election for Queen Creek is also in the year 2000.

In response to a question from Councilmember Hawker, Mr. Beets expressed the opinion that the May 1999 General Election is a regularly scheduled election date for the Town of Gilbert even if candidate names do not appear on the ballot (i.e., all are elected at the Primary) and would qualify as a potential date for an election pertaining to the District.

In response to a question from Councilmember Hawker, Mr. Beets stated that under current statutes, the District would terminate should the Town of Gilbert choose not to participate in the District.

Councilmember Jaffa noted that the resolutions before Council retain the provision for additional interested jurisdictions to participate in the District. Mr. Jaffa stated that it is his understanding that should a measure be proposed for the ballot and subsequently approved by the voters, the collection of sales tax remains subject to Council's decision. Councilmember Jaffa said that efforts continue to address Council's concerns relative to the proposal. Councilmember Jaffa spoke regarding the importance of entering into various intergovernmental and development agreements.

In response to a question from Mayor Brown, Mr. Beets outlined steps that would be taken to coordinate elections among participating municipalities.

Mayor Brown recognized the presence of Mayor Cynthia Dunham, Town of Gilbert, who has requested that the Mayors from the participating communities meet on Friday, August 21, 1998, to discuss this matter in further detail.

Councilmember Kavanaugh commended the District's Board of Directors for their work and willingness to serve. Councilmember Kavanaugh expressed the opinion that the project merits continued consideration.

It was moved by Councilmember Kavanaugh, seconded by Vice Mayor Giles, that Resolution No. 7247 be approved.

Councilmember Hawker questioned the payment of election costs. Mr. Beets reported that a former intergovernmental agreement reflected payment by the City of Mesa and that a similar agreement would likely be proposed.

In response to additional questions from Councilmember Hawker, Boardmember Whalen stated the opinion that additional time will allow an opportunity to ascertain construction, operating, and maintenance costs and prepare ballot language for a March or May 1999 election. Mr. Whalen indicated that legislative changes could assist the process but are not necessary to accommodate a Spring 1999 election.

Steve Betts, Gallagher & Kennedy, 2600 North Central, Phoenix, an attorney who assisted in drafting the original 1996 legislation, stated that technical amendments would be advantageous but are not essential. Mr. Betts advised that such amendments could be adopted at: a) a special legislative session potentially conducted

this Fall, b) the upcoming general legislative session with an emergency clause, or c) the general session with an effective date following a Spring election (most probable), by which time financing is likely to be finalized and the technical amendments would add validation and aid the implementation process.

Discussion ensued pertaining to intergovernmental agreements among municipalities and the District and development agreements with the private sector.

Councilmember Davidson stated the opinion that concerns will be addressed in the future and therefore decisions will not be made based on misinformation and perceptions. Councilmember Davidson indicated support for proceeding and expressed appreciation to the Board of Directors for their work.

Councilmember Jaffa reiterated that the resolutions include the provision that the sales tax, if and after approved by voters, will not be collected until questions/concerns have been adequately addressed and agreements have been entered into, particularly relative to financing, no later than December 31, 1999.

Vice Mayor Giles spoke in favor of the resolutions, noting that protective measures and sunset provisions have been included.

Councilmember Pomeroy stated that he has reviewed the resolutions and that his current questions have been addressed.

Councilmember Hawker indicated support for proceeding given the provision of an intergovernmental agreement, but expressed concern that such a stipulation may not address the private sector. Mr. Beets stated that in addition to requiring the intergovernmental agreement among the participating municipalities and the District, language referencing development agreements with private developers could be included under Section B3 of the resolution.

It was moved by Councilmember Hawker, seconded by Councilmember Jaffa, to amend the motion to include language under Section B3 stipulating that implementation of a sales tax increase is additionally subject to entering into development agreements with private developers.

Carried unanimously.

Mayor Brown requested that Council now vote on the original motion as amended.

Carried unanimously.

It was moved by Councilmember Kavanaugh, seconded by Vice Mayor Giles, that Resolution No. 7248 be approved, appointing Pat Gilbert and Marty Whalen to the Board of Directors of the re-established Rio Salado Crossing Multipurpose Facilities District.

In response to a question from Councilmember Hawker, Mr. Beets advised that under the resolution, the appointees shall serve as members of the District's Board of Directors until December 31, 1998, at which time the members may be reappointed.

Carried unanimously.

2. Scheduling of meetings and general information.

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

Monday, August 31, 1998, 5:45 p.m. – Regular Council Meeting

Tuesday, September 1, 1998, 3 p.m. - Police Committee Meeting

Tuesday, September 1, 1998, 4 p.m. - Transportation Committee Meeting

Tuesday, September 8, 1998, 5:45 p.m. - Regular Council Meeting

Thursday, September 17, 1998, 7:30 a.m. - Study Session

Thursday, September 17, 1998 - Fire Committee Meeting (following the Study Session)

Tuesday, September 22, 1998, 5:45 p.m. - Regular Council Meeting

3. Adjournment.

Without objection, the Special Session was adjourned at 4:34 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 Special Council Meeting of the City Council of Mesa, Arizona, held on the 20th day of August 1998. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this ____ day of _____ 1998

BARBARA JONES, CITY CLERK