

# COUNCIL MINUTES

January 24, 1997

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 January 24, 1997, at 7:30 a.m.

## COUNCIL PRESENT

Mayor Wayne Brown  
John Giles  
Dennis Kavanaugh  
Joan Payne  
Wayne Pomeroy  
Jim Stapley

## COUNCIL ABSENT

Pat Gilbert

## STAFF PRESENT

C.K. Luster  
Wayne Balmer  
Neal Beets  
Fred Conway  
Linda Crocker  
Geri Gerber  
Glenn Gorke  
Joe Holmwood  
Mike Hutchinson  
Sharon Joyce  
Harry Kent  
Ron Krosting  
Jeff Martin  
Frank Mizner  
Keith Nath  
Ruth Ann Norris  
Ellen Pence  
Tom Remes  
Becky Richardson  
Denise Samuel  
Robert Schultz  
Sharon Seekins  
Doug Tessoroff  
Tom Torrez  
Mindy White  
Debbie Vickman  
Others

## OTHERS PRESENT

Edwin Garcia  
Alan Hamberlin  
Marcene Jones  
Sharon Mincie  
Dan Nowicki  
Don Strauch  
Curtis Wooley  
Others

Mayor Brown excused Vice Mayor Gilbert from the meeting.

1. Discuss and consider a recommendation from the Museum and Cultural Programs Advisory Board concerning a Percent for the Arts Program.

Curtis Wooley, Chairman of the Museum and Cultural Advisory Board, introduced fellow Boardmembers Connie Gullatt-Whiteman, Don Strauch and Marcene Jones to the Council. Mr. Wooley briefly discussed the Board's recommendation relative to adopting a 'Penny for the Arts' ordinance that would provide ongoing funding for a public arts program in Mesa. Mr. Wooley added that the Board is requesting that the proposed ordinance allocate up to 1% of eligible General Fund capital improvement construction projects for public art ventures in Mesa.

Visual Arts Supervisor Robert Schultz assisted Mr. Wooley and Boardmember Jones in presenting a brief slide presentation depicting various art works displayed at parks and street scapes within the neighboring cities of Phoenix, Tempe and Scottsdale.

Mr. Wooley requested that the Council support the Board's request and adopt the proposed 'Penny for the Arts' ordinance.

In response to a question from Councilmember Giles, Mr. Schultz discussed the proposed hiring of an administrator and noted that current staffing levels are not adequate to initiate and implement the proposed program.

Arts Administrator Gerry Gerber stated the opinion that contract employees may be utilized to initiate the program but added that a full-time, permanent position is necessary for the overall implementation of the arts program in Mesa.

Discussion ensued relative to the fact that currently 15 municipalities, counties and universities in Arizona maintain public art programs, the positive impacts of implementing an arts program in the City of Mesa, previous art program funding allocations, the Board's request for the passage of a permanent funding ordinance, and public/private participation in the program.

Councilmembers Giles and Pomeroy stated initial support for the concept and indicated that additional time was required to consider the merits and impacts of the proposal.

Councilmember Kavanaugh spoke in support of approving the Board's request and solicited input from the Boardmembers relative to the lack of public art projects in Mesa and future public art goals. Councilmember Kavanaugh stated the opinion that the program recommended by the Board would improve the quality of life in Mesa and would assist the City in identifying a "signature theme." Councilmember Kavanaugh stressed the importance of soliciting citizen input and neighborhood participation relative to proposed art projects and requested that the Council approve the proposal.

In response to a question from Councilmember Payne, City Manager Charles Luster expressed concerns relative to the Board's request. Mr. Luster indicated opposition to the implementation of a dedicated funding source for public arts and stated the opinion that a public art master plan should be developed prior to the submission of proposals for art

project funding. Mr. Luster also questioned the feasibility of utilizing bond funds for public art projects. Mr. Luster expressed the opinion that the arts program should continue to submit requests for funding to the Council on an annual basis.

Councilmember Payne complimented the Board on their proposal and commented that additional analysis is required relative to this issue.

Mayor Brown indicated opposition to the proposed funding concept and expressed concern relative to the fact that if approved, the funding for the proposed arts and entertainment facility may be negatively impacted. Mayor Brown discussed his willingness to further consider the issue and spoke in support of annual funding requests and allocations.

Councilmember Stapley cautioned the Council against setting precedence by approving the proposed funding ordinance and commented that he prefers to review and address funding allocations on an annual basis.

It was moved by Councilmember Kavanaugh, seconded by Councilmember Giles, that staff and members of the Museum and Cultural Advisory Board be directed to work with City Attorney Neal Beets on the development of a draft ordinance for further consideration by the Council.

Upon tabulation of votes, it showed:

AYES -	Brown-Giles-Kavanaugh-Payne-Pomeroy
NAYS -	Stapley
ABSENT-	Gilbert

Mayor Brown declared the motion carried by a majority vote of those present.

Mayor Brown thanked the members of the Museum and Cultural Advisory Board for their efforts on behalf of the City of Mesa.

2. Hear and consider a legislative report.

Government Relations Coordinator Jeff Martin provided the Council with a brief update on State legislative issues which may impact the City of Mesa and discussed staffs recommendations relative to the various legislation. (See Attachment.) Mr. Martin noted that the Council will be attending a Legislative Luncheon at the League of Arizona Cities and Towns on Thursday, January 30, 1997.

Environmental Coordinator Christine Zielonka presented the Council with information relative to air quality issues, the Water Quality Assurance Revolving Fund/State Superfund and the Groundwater Task Force.

Discussion ensued relative to unfunded State mandates; Williams Gateway Airport Authority; the Governor's transportation proposal, HB 2308; School Development Fees; a proposed State Plumbing Code, staff's opposition to efforts underway to mandate a uniform sales tax base, and proposed legislation to legalize minor fireworks in the State of Arizona.

Mayor Brown thanked Mr. Martin and Ms. Zielonka for their input.

3. Consider a report and recommendation concerning the proposed widening of Gilbert Road from Southern Avenue to Consolidated Canal.

Public Works Manager Harry Kent informed the Council that during the past several months, staff has conducted public meetings on the proposed improvements to Gilbert Road. Mr. Kent added that a public hearing was also conducted by the Transportation Committee to receive comments from the public relative to the proposed road widening.

Deputy City Engineer Keith Nath and Senior Civil Engineer Peter Knudson referred to aerial photographs of the roadway and highlighted input received as a result of the public meetings. Mr. Knudson informed the Council that three issues remain to be addressed: 1) The Trejo Oil Company building (formerly the Bank One building) located north of the new McDonalds, has requested that the City construct a dedicated left turn lane into their north entrance. Mr. Knudson explained that due to the close proximity of the property to Main Street, staff has determined that the development of a dedicated left turn bay at this specific location would be inappropriate. Mr. Knudson added that staff is proposing the development of a dedicated left turn bay into the main entrance of the shopping center; 2) requests to close the driveway entrance to the Santa Fe Shopping Center off of Enid Avenue, east of Gilbert Road. Mr. Knudson stated that staff is proposing that the driveway remain as is; and 3) criteria for cul-de-sac development off of residential streets.

Discussion ensued relative to the criteria established relative to cul-de-sac developments and City Manager Charles Luster's recommendation that a cul-de-sac be constructed on Dana Avenue.

The following speakers addressed the Council and discussed effects of the road widening on traffic safety, limited alley access and curbside trash pickup, sound walls, medians, the creation of cul-de-sacs and the project's effects on property values:

Edward Garcia - 916 South Ashbrook  
Alan Hamberlin - 1924 East Vine  
Sharon Mincie - 1953 East Maryland (Representing her mother)

Mayor Brown thanked staff and the citizens for their input and indicated that staff and the Council will continue to address citizens' concerns relative to this project.

4. Hear and consider a proposed revised property acquisition process for major Public Works Projects.

Real Estate Services Director Doug Tessorf and Real Estate Services Specialist Tom Torrez discussed staff's recommendation that the Council approve the adoption of a proposed resolution authorizing the acquisition of all property and property rights necessary for major street widening. Mr. Tessorf explained that should the Council approve the concept, staff would propose that the resolution's authorization be utilized in connection with the Gilbert Road widening, from Main Street to Southern Avenue.

Mr. Tessendorf stated the opinion that the proposed revised property acquisition process would be more 'citizen friendly' and would assist staff in carrying out their responsibilities. Councilmember Kavanaugh spoke in favor of approving the recommendation and commended staff on their efforts.

It was moved by Councilmember Kavanaugh, seconded by Councilmember Giles, that the recommendation of staff be approved.

Mayor Brown declared the motion carried unanimously by those present.

5. Acknowledge receipt of minutes of meetings of various boards and committees.

a. Crime Prevention Advisory Board meeting - January 15, 1997.

It was moved by Councilmember Stapley, seconded by Councilmember Pomeroy, that receipt of the above listed minutes be acknowledged.

Mayor Brown declared the motion carried unanimously by the members of the Council present at the meeting.

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

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

7. Scheduling of meetings and general information.

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

Thursday, January, 30, 1997, 12:00 Noon - East Valley Legislative Luncheon, Arizona League of Cities and Towns

Friday, January 31, 1997, 7:30 a.m.- Council Study Session

8. Prescheduled public opinion appearances. (Maximum of three speakers for five minutes per speaker)

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

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

Mayor Brown advised that there were no items from citizens present.

10. Adjournment.

The meeting adjourned without objection at 9:10 a.m.

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WAYNE BROWN, MAYOR

ATTEST:

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BARBARA JONES, CITY CLERK

Attachment

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 24th day of January, 1997. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 6th day of January, 1997

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BARBARA JONES, CITY CLERK

ATTACHMENT

January 22, 1997

TO: MAYOR AND COUNCIL  
THROUGH: C. K. LUSTER  
MIKE HUTCHINSON  
FROM: JEFF MARTIN  
SUBJECT: Legislative Update

The purpose of this report is to provide you with an update on State legislative issues that may impact the City. The City Council is scheduled to meet with the Mesa legislators on January 30 at the League of Cities Office to discuss these issues over lunch. Staff requests approval, guidance and input on this legislative program.

BUDGET AND REVENUE ISSUES

Retention of State Shared Revenues

Retaining the distribution of state shared revenues continues to be a high priority for the City. State shared revenues represent about 22% of the City's total revenues or \$86 million annually and are an essential part of the funding to provide basic city services. The Governor has pledged to preserve the local portion of state shared revenues at existing levels.

Tax Cuts and Budget Issue

As you have probably read in the newspapers, legislative leadership and the Governor hope to continue to lower taxes and simplify the tax code, although there is no consensus on where the proposed tax cuts will occur. Various legislative leaders have expressed interest in cutting the corporate income tax, the personal income tax, the vehicle license tax or the personal property tax. The Governor has proposed a \$100 million personal income tax cut, but has agreed to hold cities harmless from the revenue reduction. The Governor has also proposed the following new programs that may be of interest:

- \$2.5 million for a vehicle scrappage program
- \$8.2 million for WQARF (state superfund)
- \$10 million for a rail study
- \$70 million for school aid; \$10 million for a school voucher program

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## MAJOR ISSUES FOR CITIES THIS SESSION

### Telecommunications Preemption

I am happy to report that cities and the telecommunications industry have come to an agreement that would maintain the cities' control over the public right-of-way. Pursuant to this agreement, cities would be given the authority to issue a fifteen-year permit for intrastate telecommunications (local exchange carriers). Cities would develop a model ordinance that would provide for the terms and conditions of such a permit. Cities would be authorized to collect a surcharge from intrastate carriers of 4% of gross revenues, with an offset for any existing local tax on telecommunications, such as the City's local sales tax. Cities would be prohibited from requiring a company to donate its facilities (lines) as a condition of issuing a permit. From a staff standpoint, this agreement is an acceptable compromise in view of the fact that the telecommunications industry may have convinced the Legislature to preempt local authority if an agreement had not been reached.

### Air Quality

The Maricopa County area is required to submit new plans to the EPA demonstrating attainment with national standards for carbon monoxide, particulate matter and ozone. Failure to show attainment could have significant adverse impacts on highway funding and new industrial development in the Valley. Technical committees have been working at MAG and on the Governor's Air Quality Task Force to identify new pollution control measures and enhancements to current measures that will reduce pollutant levels. Some of the air quality measures will require legislative action.

It is recommended that the Council support legislative action necessary to improve air quality in Maricopa County based on the MAG recommendations.

### WQARF/ State Superfund

Extensive discussions have taken place on reforming the Water Quality Assurance Revolving Fund (WQARF, the state "superfund" program) program to cleanup contaminated soil and groundwater. A dedicated funding source should be identified to adequately fund the state's share of cleanup costs, which will significantly increase due to the repeal of joint liability during the last legislative session. A Joint Select Committee on WQARF and the Groundwater Cleanup Task Force have been meeting to develop recommendations. The City participated in these discussions, seeking solutions to allocate responsibility for cleanup costs among various parties.

**It is recommended that the Council support the recommendations of the Groundwater Task Force, and the repeal of joint and several liability in exchange for an adequate dedicated funding program.**

### Unfunded State Mandates

Legislation is being introduced which would require more analysis and consideration by the Legislature prior to voting on a state mandate. The bill would require a fiscal analysis to be conducted on any bill which includes a mandate on the cost to local government prior to consideration by a legislative committee. The bill would also require a separate vote of the House and Senate on the matter of imposing a state mandate. The bill reflects the federal "Unfunded Mandate Reform Act of 1995" and would provide local government in Arizona the same benefits the state and cities now enjoy from the federal government.

**It is recommended that the City support this bill to require more analysis and consideration of unfunded state mandates.**

### Williams Gateway Airport Authority

Mesa legislators are assisting with several measures to assist the airport authority. The first would provide for a \$2 million appropriation to Williams Gateway Airport to be used as a match to obtain a \$4 million grant from the federal Economic Development Assistance (EDA) office. The Grant would be used for improvements to Ray and Sossaman Roads to provide for a new entrance to the airport which avoids the ASU East campus. The Airport Authority previously received grants from the state and the EDA several years ago to begin funding this \$13 million project. Finally, there is an appropriation for marketing assistance for next fiscal year for \$350,000.

**It is recommended that the City Council support these measures that assist with the reuse efforts at Williams Gateway Airport.**

### Highway User Revenue Fund (HURF)

The Governor's budget proposes to stop the phase out of the Department of Public Safety (DPS) dollars from the HURF. Current law calls for a gradual reduction of funds that are being diverted from the HURF to fund the DPS. This action would reduce the resources available for state highway improvements and for distribution to cities.

**It is recommended that the Council oppose this diversion of gas tax revenues from their intended purposes.**

### HB2308, Air Quality Appropriation

This is the Governor's transportation proposal. It provides the Commerce Department with \$5 million per year for ten years to convert city buses to alternative fuels; \$3.3 million for traffic light synchronization and \$10 million to ADOT to match city money for studying and designing rail transit.

**It is recommended that the Council support this legislation.**

### SB1013, School Development Fees

This bill prohibits cities and counties from collecting certain fees from school districts, including building permit fees, inspection costs, sewer and other utility installation costs and any other related service charges or fees. The bill was heard in the Senate Government Reform Committee on Tuesday of this week and narrowly passed committee. City representatives opposed the bill as a mandate and suggested that individual cities should determine for themselves whether to waive such fees for their local schools.

**It is recommended that the City continue to oppose this mandate in favor of allowing cities to work with their schools on a voluntary basis.**

### **OTHER ISSUES OF INTEREST IN BRIEF**

On other issues of interest it is recommended that the City:

#### Uniform Sales Tax Base

**Oppose** efforts to mandate a uniform sales tax base in state law that would give the Legislature control over the City's local sales tax base.

#### Block Grants

**Urge** the state to develop equitable formulas for the allocation of block grants. Local entities should continue to be responsible for planning and contracting for the use of block grant funds through existing mechanisms. A commission should be considered to allow for local input into the process.

## ADDITIONAL LEGISLATIVE ISSUES FOR CONSIDERATION

### HB 2356, Fireworks

This bill would allow sparklers, snappers, worms and other minor fireworks to be used in Arizona. The bill also allows the Governor to prevent the sale and use of fireworks at any time by declaring an extreme drought condition. The fire department has grave concerns with allowing fireworks due to safety concerns and the additional fire hazard created. The City has opposed this bill for the last several sessions when it was introduced previously.

**It is recommended that the Council oppose this bill due to increased fire and safety hazards that will result.**

### HB 2363, State Plumbing Code

This bill would require local governments to adopt a state plumbing code. A thirteen member state plumbing code commission would also be established and cities could apply to the state commission for exceptions to the code. This, of course, would mean that our existing local plumbing code would be preempted by the state. Cities have offered to voluntarily adopt the 1994 Uniform Plumbing Code along with a limited number of standardized exceptions.

**It is recommended that the Council oppose this preemptive measure in favor of a voluntary non-legislative solution.**