

COUNCIL MINUTES

July 12, 1996

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, 1996 at 7:30 A.M.

COUNCIL PRESENT

Vice Mayor Pat Gilbert
John Giles
T. Farrell Jensen
Dennis Kavanaugh
Joan Payne
Jim Stapley

COUNCIL ABSENT

Mayor Wayne Brown

STAFF PRESENT

C.K. Luster
Wayne Balmer
Cindy Barris
Neal Beets
Joyce Byler
Tanya Collins
Mark Coon
Becky Gardner
John Gendron
Laurie Goggins
Joe Holmwood
Tyrone Howard
Mike Hutchinson
Lars Jarvie
Barbara Jones
Sharon Joyce
Harry Kent
Peter Knudson
Wayne Korinek
Ron Krosting
Larry Lines
Rich Lorig
Amalia Lopez
Jeff Martin
Tom Mattingly
Mark Meyers
Frank Mizner
Keith Nath

STAFF PRESENT (CONT.)

Dave Nichols
Eric Norenberg
Ruth Anne Norris
John Oliver
Ellen Pence
Darrel Pichoff
John Smoyer
Doug Tessendorf
Mindy White
Ralph Wisz

OTHERS PRESENT

Bill Brando
John DeShetler
Mike Dole
Steve Dunnington
Bill Ellars
Clifford Harris
James Hull
Robert Jackson
Thomas McGilvra
Dan Nowicki
Richard Porter
Joe Warner
Lillian Wilkinson
Randy Wood
Others

Vice Mayor Gilbert excused Mayor Brown from the meeting.

1. Prescheduled public opinion appearance (maximum of three speakers for five minutes per speaker).

- a. Hear from James Hull regarding his objections to the proposal under consideration by the Council to require secondary features for residential swimming pools.

James Hull, 9548 East Impala, former volunteer member of a Fire Department, stated the opinion that he is a responsible pool owner and that the proposal before Council restricts constitutional freedoms. Mr. Hull suggested that additional funds be expended for education and that the City offer incentives, develop a "pool mishap prevention" program, involve pool contractors, and schedule a Council retreat to further discuss the issue. Mr. Hull distributed booklets to Council and commented that more time is needed to explore options.

- b. Hear from Thomas McGilvra regarding the "Smokefree Ordinance."

Thomas McGilvra, manager of McKellips Bay Restaurant, 1948 East McKellips, presented a list of restaurants and lounges that have expressed an interest in filing a class action suit against the City relative to Proposition 200. Mr. McGilvra noted financial losses to date of various establishments and potential revenue reduction for Mesa should businesses relocate or expand to neighboring communities. Mr. McGilvra encouraged Council consideration of a variance for all license holders who meet the same parameters as outlined in Proposition 200 for Class 6 establishments.

- c. Hear from Richard Porter regarding the impact of the Proposition 200 ordinance.

Richard Porter, Gentle Thunder Environmental Systems, spoke concerning the importance of the intent of Proposition 200 but stated that technology currently exists to adequately purify air as demonstrated in a 30-minute tape made available to Council. Mr. Porter commented that if air quality is the focus of the measure, and businesses, regardless of type, are able to purify air, smoking should be allowed.

Vice Mayor Gilbert expressed appreciation to the speakers for their comments.

2. Review items on the agenda for the July 15, 1996 Regular Council Meeting.

All of the agenda items were reviewed among the Council and staff, with no formal action taken. There was particular discussion with regard to the following agenda items:

7. Consider the following ordinances:

- *a. Amending Chapter 10 of Title 6 of the Mesa City Code relating to public park regulations.

Councilmember Kavanaugh requested that this item be removed from the consent agenda.

- *f. Pertaining to swimming pools and the Zoning Ordinance of the Mesa City Code; amending Title 11, Chapter 13, Section 2; and providing penalties for the violation thereof.

Councilmember Payne requested that this item be removed from the consent agenda.

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

a. Z96-24

Community Development Manager Wayne Balmer advised that the applicant has requested that this case be withdrawn.

b. Z96-34

Mr. Balmer noted that the Planning and Zoning Board has unanimously recommended denial of this case and that a legal protest has been filed, requiring a 3/4 vote to approve the applicant's request.

c. Z96-40

Mr. Balmer stated that a legal protest has been filed and that a 3/4 vote is required to approve the applicant's request.

*f. Z96-43

Mr. Balmer reported that a letter has been received from neighbors requesting that the case be continued to the August 26, 1996 Regular Council Meeting to allow time for further discussion between the neighbors and the applicant.

Vice Mayor Gilbert stated that this item will be removed from the consent agenda.

*i. Z96-47

Mr. Balmer said that the City has received a letter requesting that this item be tabled.

*j. Z96-49

Mr. Balmer noted that a revised plan has been distributed to Council which accomplishes the recommendations, of the Planning and Zoning Board.

3. Hear a presentation on the proposed widening of Gilbert Road from Southern Avenue to the Consolidated Canal.

Senior Civil Engineer Peter Knudson reviewed schematics of typical cross sections and proposed alignments relative to the widening of Gilbert Road from Southern Avenue to the Consolidated Canal. Mr. Knudson said that the project is designed to increase capacity and reduce traffic congestion. Mr. Knudson outlined anticipated median, streetlight, and turning lane locations as well as sound walls and landscaping, similar to those planned for the McKellips Road project.

Deputy City Engineer Keith Nath advised that staff proposes to hold public meetings in late July or early August 1996 concerning the preferred alignment of Gilbert Road. Mr. Nath estimated that construction will begin in the Spring of 1998.

Vice Mayor Gilbert suggested that a meeting be held in September 1996 to inform winter visitors of the proposed street project.

In response to questions from Councilmember Giles, Mr. Nath summarized time frames and expected improvements that will be needed in the future along Gilbert Road from the Consolidated Canal to McDowell Road.

Vice Mayor Gilbert thanked staff for their efforts.

4. Consider the proposed 1996-97 MegaCorp and Falcon Field goals and priorities.

Bill Ellars, Chairman of the MegaCorp Economic Development Advisory Board, commented that the proposed 1996-97 MegaCorp and Falcon Field goals and priorities are broader in scope than in previous years and that the division of Mesa's economic and redevelopment activities into two separate departments will allow the City to focus on international as well as redevelopment endeavors.

Mr. Balmer advised that efforts in the past have concentrated primarily on new business recruitment but will now focus additionally on the retention and expansion of existing businesses. Mr. Balmer outlined actions underway relative to international trade (e.g., foreign trade zone) and marketing efforts pertaining to Falcon Field. Mr. Balmer stated that new lease rates at Falcon Field have been proposed for Council consideration.

Council commended the individuals involved in the development of the goals and priorities. Brief discussion ensued concerning interest in Falcon Field's web site on the Internet, airport hangars, the importance of exit interviews, and efforts on behalf of the Greater Phoenix Economic Council (GPEC) to assist in economic development.

In response to questions from Council, Mr. Balmer indicated that the proposed new leasing rate structure for Falcon Field is designed to remain competitive with neighboring airports and attract quality business opportunities to Mesa. Mr. Balmer stated that the following annual land lease rates are recommended as guidelines for Falcon Field properties: a) aviation sites \$.12/square foot, b) commercial sites - \$.30/square foot, c) hotel sites - \$.32/square foot/market rate, and d) special use sites - market analysis.

Joe Warner, 6334 East Palm Street, President of the Falcon Field Association for Economic Growth, advised Council that each of the Association members to whom he has spoken favor the proposed rates.

It was moved by Councilmember Stapley, seconded by Councilmember Jensen, to approve the annual land lease rates for Falcon Field properties as proposed.

Vice Mayor Gilbert declared the motion carried unanimously by those present.

Vice Mayor Gilbert encouraged continued input from the Falcon Field Association. Vice Mayor Gilbert expressed appreciation to the Economic Development Advisory Board and staff for their efforts.

5. Discuss and consider requiring background checks for City employees and volunteers.

Management Assistant II Eric Norenberg outlined a recommendation to require full background checks for City employees, temporary employees, and volunteers.

Community Services Manager Wayne Korinek noted that if Council does not support a full background investigation, the City could reduce the scope of the program (limit the number of employees and/or volunteers checked) or the intensity of the program (possibly eliminate the federal check).

Councilmember Giles questioned the effectiveness of the requirement relative to seasonal employees. Assistant City Manager Mike Hutchinson advised that efforts will be made to streamline the process given the short time frames for the employment of such workers.

City Manager Charles Luster stated that an ordinance could be scheduled for introduction at the July 15, 1996 Regular Council Meeting should Council favor the requirement for a background check.

City Attorney Neal Beets noted that in November 1995 the City was required to suspend its routine practice of fingerprinting and checking background information of all City employees. Mr. Beets stated that it is now possible to resume background investigations but that an ordinance is needed to authorize the Arizona Department of Public Safety to conduct state and/or federal background checks. In response to a question from Vice Mayor Gilbert, Mr. Beets expressed the opinion that a requirement for a background check would serve as a precautionary measure and deterrent but would not reduce self-insurance liability rates.

It was moved by Councilmember Jensen, seconded by Councilmember Stapley, to introduce an ordinance requiring a full background check for all City employees, temporary employees, and volunteers.

Vice Mayor Gilbert declared the motion carried unanimously by those present.

Vice Mayor Gilbert thanked staff for their assistance.

6. Further discussion and consideration of Council meeting procedures.

Vice Mayor Gilbert stated that this item will be discussed at the Council meetings on Monday, July 15, 1996.

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

- a. Museum and Cultural Advisory Board meeting held June 25, 1996.

It was moved by Councilmember Jensen, seconded by Councilmember Stapley, to acknowledge receipt of the minutes of the Museum and Cultural Advisory Board meeting held on June 25, 1996.

8. Hear reports on Meetings and/or conferences attended.

Vice Mayor Gilbert reported on a recent meeting with representatives from the Okayama Prefecture of Japan.

Vice Mayor Gilbert thanked Councilmember Stapley for attending the recent Regional Public Transportation Authority (RPTA) meeting.

Mr. Balmer advised that on July 16, 1996, Mesa will host a delegation representing various Chinese firms.

9. Scheduling of meetings and general information.

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

Monday, July 15, 1996, 5:30 p.m. - Regular Council Meeting

Friday, July 19, 1996, 7:30 a.m. - Study Session

Mr. Luster said that a Council portrait has been scheduled for 7 a.m. on Friday, July 19, 1996.

Mr. Luster advised that Tyrone Howard, management intern, will soon be relocating to the City of Tempe. Mr. Luster commended Mr. Howard for various accomplishments during his tenure with the City and expressed appreciation for his service.

10. Items from citizens present (maximum of three speakers for five minutes per speaker).

Robert Jackson, representing Main Street Billiards, 1749 West Main Street, spoke concerning what he believes is the discriminatory effect of a proposed ordinance before Council to postpone a smoking prohibition in private meeting rooms until September 1, 1996. Mr. Jackson expressed the opinion that an option for a variance should be available to all establishments, regardless of type of license.

Steve Dunnington, representing Monti's at the Ranch, 1644 South Dobson, noted detrimental effects of Proposition 200 on his business.

Clifford Harris, initiator of Proposition 200, advised that he has received numerous telephone calls in support of Proposition 200. Dr. Harris encouraged Council to conduct an objective evaluation study relative to the measure.

Vice Mayor Gilbert expressed appreciation to the speakers for their input.

11. Adjournment.

It was moved by Councilmember Stapley, seconded by Councilmember Jensen, that the Study Session adjourn at 9:02 A.M.

Carried unanimously.

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 12th day of July 1996. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 7th day of August 1996

BARBARA JONES, CITY CLERK