

COUNCIL MINUTES

December 7, 1998

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 December 7, 1998 at 4:30 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
Kevin Adam
John Albin
Don Ayers
Wayne Balmer
Cindy Barris
Neal Beets
Denise Bleyle
Jamie Brennen
Dennis Compton
Mark Coon
Joe Holmwood
Mike Hutchinson
Janice Jackson
Barbara Jones
Harry Kent
Wayne Korinek
Ron Krosting
Dorinda Larsen
Greg Marek
Jeff Martin
Keith Nath
Ellen Pence
David Plumb

STAFF PRESENT (CONT.)

Bryan Raines
Andrea Rasizer
Tom Remes
Becky Richardson
Kathleen Savagian
Sharon Seekins
Jenny Sheppard
John Smoyer
Jan Strauss
Doug Tessendorf
Mike Whalen
Larry Woolf

OTHERS PRESENT

Bill Brando
Luule Brando
Teresa Brice-Heames
Joe Guinn
Robbie Sherwood
John Smith
Tom Verploegen
Others

Mayor Brown excused Councilmember Kavanaugh from the beginning of the meeting. Councilmember Kavanaugh arrived at 4:40 p.m.

1. Review items on the agenda for the December 7, 1998 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:

(Items were discussed out of order but for purposes of clarity, will remain as listed on the agenda.)

3. Conduct a public hearing on the operation and possible continuation of the Mesa Town Center Improvement District No. 228.

In response to a question from Councilmember Pomeroy, City Attorney Neal Beets stated that a potential conflict of interest relative to this issue has previously been recorded for Mayor Brown and Councilmembers Hawker, Jaffa, and Pomeroy, but indicated that reiteration of such conflict could be presented at the Regular Council Meeting if preferred by Council.

Mayor Brown requested that Mr. Beets note the potential conflicts of interest prior to the public hearing and explain the anticipated process for discussion/action on this item.

Mr. Beets responded to questions from Vice Mayor Giles pertaining to statistical data presented in the tabulation of results from the survey of opinion.

Mayor Brown questioned the preparation of alternative plans regarding the improvement district for possible consideration by Council. City Manager Charles Luster indicated that options will be presented for review at the December 10, 1998 Study Session.

4. Consider the following liquor license applications.

- a. THOMAS E. MCLEAN, INDIVIDUAL

Person transfer bar license for Country City, 30 South Robson. This transfer is from James L. Lee, Individual, Country City, to Thomas E. McLean, Individual, Country City.

Mr. Beets said that this item was not originally included on the consent agenda due to nonpayment of liquor license fees and delinquent sales tax (prior owner). Mr. Beets reported that the license fees have now been paid but the sales tax remains outstanding. Mr. Beets advised, however, that research indicates that delinquent sales tax from a previous owner may not be held against the current applicant and should not be taken into consideration by Council when voting on this matter.

Mayor Brown recommended that this item be placed on the consent agenda.

5. Consider the following contracts.

- *a. Lewis Substation Expansion Construction Contract 9801.5.

and

- *f. SCADA system intellution software as requested by the Electric Division. This software will upgrade the electric utility portion of the Utility Department's existing SCADA system.

and

- *h. Electronic relays as requested by the Utilities Department. These relays protect the electrical equipment on the electric transmission and distribution system.

In response to questions from Councilmember Davidson, Utilities Manager David Plumb reviewed the proposed contracts and spoke concerning the City's objective to remain competitive while continuing to provide quality service. Mr. Plumb noted that the new SCADA software is Y2K compliant.

- *k. 62 patrol sedans for the Police Department. 50 vehicles are replacements; 12 are additions to the fleet for the Superstition Substation District.

Councilmember Pomeroy requested that this item be removed from the consent agenda given the magnitude of the proposed expenditure.

- *m. 1998/98 crack seal project. City of Mesa Project No. 99-09.

Councilmember Pomeroy noted that only one bid was received. Public Works Manager Harry Kent advised that an invitation to bid was distributed to 61 contractors but said that the response from the sole bidder appears reasonable.

6. Introduction of the following ordinances and setting December 21, 1998 as the date for the public hearing on these ordinances.

- *l. Relating to the Mesa Personnel Rules; amending Section 150 pertaining to personnel records; amending Section 260 pertaining to employment of relatives; amending Section 320 pertaining to salary plan; amending Section 432 pertaining to sick leave; amending Section 433 pertaining to bereavement leave; amending Section 510 pertaining to standards of conduct; amending Section 540 pertaining to probation; amending Section 810 pertaining to types of disciplinary actions; and repealing conflicting ordinances as recommended by the Merit System Board.

At the request of Councilmember Pomeroy, Personnel Director John Smoyer presented background information concerning the amendments to the Mesa Personnel Rules, noting that staff periodically surveys other communities and recommends revisions when deemed appropriate.

Mr. Smoyer responded to questions from Councilmembers Hawker and Jaffa regarding the Merit System Board, the proposed amendments relating to reclassification and bereavement, and the anticipated financial impact of revisions to the sick leave policy.

7. Consider the following resolutions.

- *c. Granting an underground power easement to Salt River Project for Desert Wells #13, located at Elliot and Signal Butte Roads.

Councilmember Davidson indicated that he had a potential conflict of interest in connection with the matter now under discussion which he wanted recorded in the minutes of the meeting, and because of such conflict of interest, he would refrain from voting upon or otherwise participating in any manner in connection with same.

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

- *g. Approving the refinancing of the City's lease-purchase agreement for a computer-aided dispatch system for the Police and Fire Public Safety Departments; authorizing the taking of all other actions necessary to the consummation of the transactions contemplated by this resolution and declaring an emergency.

Councilmember Hawker expressed concern relative to the emergency clause and requested that this item be removed from the consent agenda.

Councilmember Davidson commended staff for their efforts relative to this matter and encouraged Council support.

8. Consider the following ordinances.

- *b. Amending Title 5, Chapter 1 of the Mesa City Code and providing penalties for the violation thereof; pertaining to a Special Event License.

Councilmember Hawker asked that this item be removed from the consent agenda to allow an opportunity for comment concerning the potential impact of actions such as increasing sales tax.

- *8.1 Considering entering into an agreement with AMS Planning and Research to conduct a management study regarding the operation of the Arts and Entertainment Center as recommended by the Museum and Cultural Advisory Board.

Councilmember Jaffa spoke concerning the importance of the operation of the Arts and Entertainment Center but expressed concern regarding the proposed expenditure for the management study.

Mayor Brown stated the opinion that the study is necessary and the funds will be well utilized.

2. Further discussion and consideration concerning a Request for Proposals for affordable housing in the Temple Court area.

Councilmember Davidson suggested that Council direct staff to issue a Request for Proposals (RFP) for housing in the Temple Court area, stating that various entities have indicated that a delay may eliminate an opportunity to participate.

Councilmember Kavanaugh concurred with Councilmember Davidson.

Mayor Brown commented that issuing an RFP would not obligate the Council to accept proposals and noted the recommendation previously discussed that the Town Center area be reviewed by an urban designer.

Councilmember Jaffa expressed the opinion that an RFP is premature at this time and would conflict with the suggestion for analysis by an urban planner.

Councilmember Pomeroy questioned the relationship and timing between the RFP and the proposed review by an urban designer and task force.

Mayor Brown questioned potential adverse consequences should Council reject RFP submissions.

Teresa Brice-Heames, representing Housing for Mesa, indicated that the Temple Court area has been considered as a potential site for affordable housing for some time and that Housing for Mesa may be unable to sustain interest in the project for an additional year. Ms. Brice-Heames spoke concerning the currently anticipated availability of funding, which may not be accessible in the future should the proposal be delayed.

Councilmember Davidson expressed the opinion that affordable housing is appropriate for the site and an opportunity is presented to model such housing in a manner differing from typical perception.

John Smith, representing Housing for Mesa, stated that other developers are interested in the site and that the RFP does not dictate the development of affordable housing. Mr. Smith welcomed the opportunity to

compete with developers and to work in conjunction with an urban planner. Mr. Smith encouraged the issuance of an RFP and review by the City to determine the type of development suitable for the site.

It was moved by Councilmember Kavanaugh, seconded by Councilmember Davidson, that staff be directed to proceed with an RFP for the Temple Court area.

Vice Mayor Giles expressed the opinion that a component of redevelopment in the downtown area will consist of housing and that issuing an RFP is not inconsistent with the anticipated role of an urban planner.

Councilmember Hawker commented that issuing an RFP for the site at this time is premature and should be delayed pending review by an urban designer and development of a plan for the downtown area (e.g., transit line and transfer station locations). Councilmember Hawker said that he will vote in opposition to the motion.

Councilmember Jaffa recognized funding considerations previously expressed but noted concern that issuing an RFP may suggest endorsement of residential development (and a particular type of residential development) for the site. Councilmember Jaffa commented that the RFP is premature and may influence an urban developer. Councilmember Jaffa stated that he does not support the motion.

Councilmember Pomeroy indicated a preference to delay the issuance of an RFP pending review of the downtown area by an urban planner. Councilmember Pomeroy said that he will not vote in favor of the motion.

Mayor Brown advised that the City has been acquiring property in the vicinity for some time and stated the opinion that issuing an RFP will provide an opportunity to determine interest in the site. Mayor Brown indicated support for the proposal.

Upon a tabulation of votes, it showed:

AYES - Brown-Davidson-Giles-Kavanaugh

NAYS - Hawker-Jaffa-Pomeroy

Mayor Brown declared the motion carried by majority vote.

3. Consider a request from the East Valley Institute of Technology for a used police patrol vehicle to be used for instructional purposes.

Mr. Luster stated that a request has been received from the East Valley Institute of Technology (located in Mesa) for a used police patrol vehicle to be utilized for instructional purposes. Mr. Luster said that it is the recommendation of staff that the City provide a vehicle that has been removed from daily use and is awaiting auction.

It was moved by Councilmember Pomeroy, seconded by Councilmember Davidson, that the recommendation of staff be approved.

Councilmember Hawker spoke in favor of the proposal, given the opportunity afforded to enhance recruitment efforts.

Carried unanimously.

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

- a. Downtown Development Committee meeting held October 15, 1998.
- b. Downtown Development Committee Retreat held October 29, 1998.
- c. Economic Development Advisory Board meeting held November 19, 1998.
- d. Judicial Advisory Board meetings held September 2, 1998 and November 13, 1998.
- e. Library Advisory Board meeting held December 1, 1998.
- f. Merit System Board meeting held December 1, 1998.
- g. Museum and Cultural Advisory Board meeting held November 18, 1998.
- h. Traffic Safety Committee meeting held November 17, 1998.

It was moved by Vice Mayor Giles, seconded by Councilmember Kavanaugh, to acknowledge receipt of the minutes of the above-listed meetings.

Carried unanimously.

5. Appointments to boards and committees.

Mayor Brown recommended the following appointments to Boards and Committees:

CRIME PREVENTION ADVISORY BOARD

Alan Ramsdell - to fill vacancy for term ending June 30, 2001

HOUSING AND HUMAN SERVICES ADVISORY BOARD

Kimberly Brooks - term ending June 30, 2001

It was moved by Councilmember Pomeroy, seconded by Councilmember Kavanaugh, that the Council concur with the Mayor's recommendations and the appointments be confirmed.

Carried unanimously.

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

Councilmember Jaffa advised that he and Councilmembers Davidson, Kavanaugh, and Pomeroy attended the National League of Cities Conference held recently in Kansas City. Councilmembers Jaffa and Kavanaugh reported concerning various sessions attended.

7. Scheduling of meetings and general information.

Mr. Luster stated that the meeting schedule is as follows:

Tuesday, December 8, 1998, 9 a.m. - Art Park Dedication

Thursday, December 10, 1998, 7:30 a.m. - Study Session

Tuesday, December 15, 1998, 2 p.m. - Utility Committee Meeting

Government Relations Coordinator Jeff Martin introduced Kevin Adam, the City's new Government Relations Assistant.

Mayor Brown welcomed Mr. Adam. Mr. Adam expressed appreciation for the opportunity to work with the City.

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

There were no prescheduled public opinion appearances.

9. Adjournment.

Without objection, the Study Session adjourned at 5:27 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 Study Session of the City Council of Mesa, Arizona, held on the 7th day of December 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