

Study Session
February 13, 2003



COUNCIL MINUTES

February 13, 2003

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 February 13, 2003 at 7:30 a.m.

COUNCIL PRESENT

Mayor Keno Hawker
Rex Griswold
Kyle Jones
Dennis Kavanaugh
Janie Thom
Claudia Walters
Mike Whalen

COUNCIL ABSENT

None

STAFF PRESENT

Mike Hutchinson
Debbie Spinner

1. Hear, discuss and consider a Legislative update.

Assistant to the City Manager for Intergovernmental Relations Jim Huling and Government Relations Assistant Kelly Orrick provided the Council with a summary of the 2003 State Legislative Session, with an emphasis on the legislation impacting the City of Mesa. (See Attachment 1.)

Discussion ensued among the Council relative to SB 1287, Emergency Vehicles, Police Pursuits; HB 2119, County Islands, Annexation; SB 1070, Airport Expansion Oversight; SB 1333, Education Property Liability (Parks); HB 2384, Tax, Satellite Television; HB 2055, Sales Tax, Contractors; HB 2190, Massage Therapists; SB 1103, Massage Therapist Licensure; and SCM 1001, Immigrants, Legal Worker Program.

Councilmember Thom voiced concerns that staff has recommended opposition to a number of bills (i.e., eminent domain and massage therapists) that were introduced by Mesa legislators.

In response to Councilmember Thom's comments, City Manager Mike Hutchinson clarified that the purpose of today's presentation is for staff to seek direction regarding whether the majority of the Council supports the legislation currently under consideration.

Councilmember Thom urged staff to support the bills she previously alluded to.

Mayor Hawker thanked Mr. Huling and Ms. Orrick for the presentation.

2. Hear a presentation on a proposed Waste Management Transfer Station in the 4000 block of South 80th Street and consider sending a letter to the Board of Supervisors regarding the project.

Senior Planner Gordon Sheffield provided the Council with a brief Power Point presentation relative to this agenda item. He reported that the waste management transfer station is located in an area bounded by Elliott, Warner, Sossaman and Hawes Roads; that the area is classified as a Class 1 County Island, indicating that Mesa is the only municipality capable of annexing into the area; that staff has worked in conjunction with Maricopa County and Waste Management representatives to achieve the property's overall development goals; that although the area is designated as light industrial in Mesa's 2025 General Plan, in Maricopa County it is zoned IND-3 (the heaviest industrial zone); and that the property is currently being used as a compost facility.

Mr. Sheffield referred to a February 13, 2003 letter authored by Mayor Hawker to Fulton Brock, Chairman of the Maricopa County Board of Supervisors, and provided a short synopsis of four design solutions for the development of the waste management transfer station. (See Attachment 2.) He reported that the purpose of adding the four items to the stipulated conditions of approval recommended by the County Planning and Zoning Commission is to mitigate the effect of constructing a waste management transfer station at the proposed location and also to comply with the City's General Plan. Mr. Sheffield concluded his presentation by commenting that staff is requesting Council direction regarding such modifications, and if a consensus is reached, the letter will be presented to the Board of Supervisors at its upcoming meeting.

It was moved by Councilmember Jones that the design options as outlined in Mayor Hawker's February 13, 2003 letter be approved, and also that the document be submitted to the Maricopa County Board of Supervisors for consideration at its upcoming meeting.

Discussion ensued relative to the fact that at the present time, there is a dairy and open desert located immediately to the north of the proposed waste management transfer facility; that the land uses for the area are currently designated as open industrial and agricultural; that the City of Mesa has designated the area in its General Plan for light industrial; that Waste Management representatives have participated in an extensive citizen outreach program concerning the waste management transfer station; that Waste Management has agreed to modify its plans to include a four-sided waste transfer building; that City utility services are not provided to the area; and that the property owner has not requested annexation into the City of Mesa.

Councilmember Thom voiced opposition to Mayor Hawker's letter and stated the opinion that the waste management transfer station will be a marked improvement over the current compost facility. She added that in the future, it is anticipated that the surrounding area will be the site for a truck maintenance and repair facility which will bring more jobs to the community.

In response to Councilmember Thom's comments, Mr. Sheffield clarified that staff is supportive of the waste management transfer facility and does not object to the proposed land use. He stressed that the City is merely requesting that the County develop the property within reasonable design standards.

Mayor Hawker expressed support for the motion. He commented that as Mayor, he was compelled to step forward and pursue an appropriate design solution for the waste management transfer station that would not only meet the satisfaction of the County and Waste Management, but also the City of Mesa. Mayor Hawker added that because the property is located within Mesa's planning area and may eventually be annexed into the City, compromising to a lesser development standard would be an inappropriate long-term goal for the City.

Councilmember Walters stated that she recently visited an existing Waste Management facility located within Mesa and commented that she was impressed with the company's willingness to implement the proposed design standards to create a more visually pleasing site for the surrounding community.

Councilmember Walters seconded Councilmember Jones' motion.

Vice Mayor Kavanaugh expressed appreciation to staff and Waste Management representatives for their efforts and hard work relative to designing a project that will benefit not only the local community, but also the entire region. He added that the development will assist in the recruitment of businesses to the area and have a less perceived harmful effect on nearby residents.

Upon tabulation of votes, it showed:

AYES - Hawker-Griswold-Jones-Kavanaugh-Walters-Whalen
NAYS - Thom

Mayor Hawker declared the motion carried by majority vote.

Planning Director Frank Mizner recognized Mr. Sheffield and Williams Gateway Regional Economic Activity Area Project Manager Wayne Balmer for their efforts and hard work relative to this matter.

Mayor Hawker also commended staff for their efforts in this regard.

3. Acknowledge receipt of minutes of boards and committees.

- a. Downtown Development Committee meeting held January 16, 2003.
- b. Economic Development Advisory Board meeting held January 7, 2003.
- c. Parks and Recreation Board meeting held January 9, 2003.

It was moved by Vice Mayor Kavanaugh, seconded by Councilmember Walters, that receipt of the above-listed minutes be acknowledged.

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

The following members of the Council provided brief updates on various meetings/conferences they attended as follows:

Vice Mayor Kavanaugh	Territorial Days
Councilmember Griswold	Las Sendas Business Owners Meeting
Councilmember Thom	Ribbon Cutting Ceremony at Delta Ranch
Councilmember Whalen	MAG's "End To Homelessness" Luncheon
Councilmember Jones	Mesa Housing Master Plan Open House

5. Scheduling of meetings and general information.

City Manager Mike Hutchinson stated that the meeting schedule is as follows:

Thursday, February 20, 2003, 7:30 a.m. – Study Session

Monday, February 24, 2003, TBA – Study Session

Monday, February 24, 2003, 5:45 p.m. – Regular Council Meeting

Tuesday, February 25, 2003, 6:00 p.m. – Joint Meeting with SRP Board of Directors

6. Prescheduled public opinion appearances.

There were no prescheduled public opinion appearances.

7. Items from citizens present.

There were no items from citizens present.

(The meeting recessed at 8:30 a.m. for the purpose of an Executive Session.)

8. A presentation at ASU East by Michael Crow, President of Arizona State University, and a tour of various east Mesa sites.

Charles Backus, Provost of Arizona State University East (ASU East), welcomed the Council to the ASU East campus and introduced Michael Crow, President of ASU.

President Crow addressed the members of the Council and provided a brief overview of his vision for ASU East including its development as a nationally recognized polytechnic university. He reported that in addition to the ASU Main campus, the polytechnic component of ASU East would offer additional professionally oriented programs and a greater variety of liberal arts and science programs. President Crow also stated that the most distinctive aspect of ASU East being a polytechnic university would be the fact that its students will graduate with a high level of technological literacy and skill. He added that he looks forward to the formation of a long-term relationship between ASU and the City of Mesa as the polytechnic campus evolves and grows in the future.

Mayor Hawker, on behalf of the Council, thanked Dr. Crow for his informative presentation.

The Council toured the ASU East campus and various sites in east Mesa.

9. Adjournment.

Without objection, the Study Session adjourned at 1:00 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 13th day of February 2003. I further certify that the meeting was duly called and held and that a quorum was present.

BARBARA JONES, CITY CLERK

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Attachments (2)

February 10, 2003

TO: Mayor and City Council

FROM: Jim Huling, Assistant to the City Manager
Kelly Orrick, Government Relations Assistant

SUBJ: Legislation of Significant Municipal Interest
Citywide

Purpose and Recommendation

The purpose of this report is to provide Council with information about legislation of significance to the City of Mesa that has been introduced in the first month of the 2003 Legislative Session. This report includes recommendations on whether the City of Mesa should support or oppose each listed bill, based on staff opinion, prior Council discussions and the position of the League of Arizona Cities and Towns.

Background

As of February 10, 2003 over 850 bills and resolutions have been introduced since the Legislature convened. The deadline to introduce new legislation was February 3rd in the Senate and February 10th in the House. There could still be many new issues raised after February 10th, however, as many technical amendment bills will be used as vehicles for "strike everything" amendments.

There have been numerous pieces of legislation introduced which impact municipalities. Summarized here are the most significant issues for Mesa. Some of the listed bills were summarized in our prior report to Council, and are repeated here with an update as to their status. Additional reports will be provided throughout the Session.

State Budget

As was reported in our last report to Council, the Governor's Budget Plan does not impact State Shared Revenue, although there are some minor budgetary impacts to cities. The Joint Legislative Budget Committee (JLBC) released a plan in late January that was developed in conjunction with the Chairs of Senate (Burns) and House (Pearce) Appropriations. The JLBC Budget plans for FY 03 and 04 also do not impact State Shared Revenue. This plan does impact cities

In several other ways, however, to be held totally harmless in this budget crisis is neither a realistic expectation, nor a pragmatic one. No schedule has been set for the Legislature to consider and approve a budget plan. At this point, the JLBC Plan will serve as a starting point for the legislators' deliberations.

There are major differences between the Governor's Plan and the JLBC Plan which has the potential to result in a very prolonged battle, both between the branches and among the parties. The major differences are as follows:

The Governor's revenue forecast is higher for the upcoming year so she has planned for a state operation budget of \$6.7 billion, while the JLBC plan sets spending at approximately \$6.1 billion. In general, the Governor places more emphasis on generating additional revenue through revenue bonding, a tax amnesty program and other efforts to enhance tax collections. She anticipates raising \$341 million through the sale of state assets and by selling and leasing back some state facilities. She also includes an additional \$95 million in savings from an education rollover, which will utilize FY 2005 revenue to pay for some FY 2004 education expenses.

The JLBC plan places a higher emphasis on spending cuts by denying a 2% inflation adjustment for education, the elimination or reduction of various state programs and shifting certain state agencies to zero-based budgets. Most controversial to cities are fund transfers from a wide array of funds including HURF, the Enhanced 911 Fund, the State Aviation Fund, and the Heritage Fund. In addition, the JLBC budget does not contain funding for substance abuse treatment programs or for the Commission on the Arts and includes a new fee for environmental permits. The Governor's Plan also calls for transfers from HURF and the Aviation Fund but those transfers are smaller. The JLBC Plan includes selling more state assets than the Governor's Plan and calls for a lesser amount of revenue bonding restricting the use of bonding to correct school deficiencies. The JLBC Plan also calls for no increase in taxes.

NEW ISSUES FOR COUNCIL CONSIDERATION

Land Use

H2411: GOVERNMENTAL TABLING; PRIVATE PROPERTY

A new chapter is added to the property code regulating governmental action that affects private property and requiring that in some cases, starting May 1, 2003, if a governmental entity takes private land or buildings, the owner has a right to recover damages by following a prescribed procedure of arbitration. Applies to government requirements and policies, actions that require dedication or exaction of private property, city or town action that has an effect in extraterritorial jurisdiction (excluding annexation). Not applicable to lawful

seizure, actions in response to federal or state mandates, eminent domain, floodplain regulation and similar actions.

Sponsor: Rep. McClure

Position: Staff recommendation is to oppose.

H2119: COUNTY ISLANDS; ANNEXATION

A county board of supervisors may require annexation, of any area of the county that consists of 10 acres or less and is completely surrounded by a city or town, to the city or town, according to procedures specified, which include written notice, and a public hearing. If a majority of the real property owners in the proposed annexation file timely written objection, the annexation does not proceed.

Sponsor: Rep. Carruthers

Position: As originally written, the staff recommendation is to oppose. However, this bill has been amended to allow the city to veto the annexation request by resolution. Staff recommendation on the amended version is neutral.

H2383: COUNTY ISLANDS; ANNEXATION

A new section is added to the code governing cities and towns to provide an alternative means, for annexation of territory located within county islands. The alternative method only applies to an annexation that is bordered on three sides by the city or town and is 80 acres or less in size, or part of a county island surrounded on all sides by a city or town. The city is to file an accurate map with the recorder, provide notice and a copy of the filing to each property owner, and publish notice. Owners of more than 1/2 of the property may file a protest.

Sponsor: Rep. Hanson

Position: Staff recommendation is to support.

Finance and Tax

S1209: POPULATION; CITY & COUNTY REVENUE SHARING

Allows local jurisdictions the option of conducting a census survey instead of a full, special census to establish population estimates for determining the distribution of revenue sharing. Would apply to the 2005 population estimates.

Sponsor: Sen. Tibshraeny

Position: This bill was initiated by the City of Mesa. Staff recommendation is to support.

S1275: TAXATION; SATELLITE TELEVISION

H2384: TAX; SATELLITE TELEVISION

A tax classification called "residential direct broadcast satellite television service" is created, and the state will levy a 5% tax on the tax base as prescribed. Cities and other taxing jurisdictions cannot levy taxes on sales of these services.

Revenue from the state tax is to be distributed to municipalities according to a statutory formula.

Sponsor: Sen. Mead

Sponsor: Rep. Jayne

Position: Staff recommendation is to support.

H2055: SALES TAX; CONTRACTORS

Application of sales tax statutes to contractors are changed to replace current prime-contracting tax setup with point-of-sale tax. Author states the bill is intended to bring the contracting tax-payment issue to the table.

Sponsor: Rep. Huffman.

Position: Staff recommendation is to oppose. This bill would have a negative fiscal impact to Mesa of approximately \$15 million annually.

S1056: MUNICIPAL USE TAX; ADOT COLLECTION

A motor vehicle division officer registering a vehicle on which use tax is imposed is to collect the tax and provide a receipt to the person registering the vehicle. The officer may not process the registration until the tax is paid. ADOT must also distribute the municipal tax monies collected to the municipality where the taxpayer resides.

Sponsor: Sen. Binder

Position: Staff recommendation is to support.

S1122: PHOENIX CIVIC PLAZA; REVENUE SHARING

Income tax code section on urban revenue sharing is expanded to provide the City of Phoenix with \$20M additional exclusively for renovating and remodeling the civic plaza and convention center, for fiscal years between 2009-10 and 2024-25, with the distribution among remaining cities and towns reduced proportionately.

Sponsor: Sen. Burns

Position: Staff recommendation is to oppose. The City of Phoenix also opposes this bill.

S1341: DPS USE OF LOCAL FINES

Instead of retaining all revenue from fees, fines, forfeitures and penalties imposed by municipal and justice courts, cities and counties will keep only a percentage of the revenue (blank in original) and the rest will be deposited to a special fund for the Dept of Public Safety to be used for overtime and equipment.

Sponsor: Sen. Weiers

Position: Staff recommendation is to oppose. This bill is not supported by DPS. It was initiated by a Taser manufacturer with the hope that DPS would have enough extra funding to purchase their product.

Administration and Regulation

S1236: PUBLIC CONSTRUCTION PROJECTS

In determining the lowest responsible bidder for a horizontal construction project using the design-bid-build project delivery method, an agent may consider the time of completion proposed by the bidder; for each project for horizontal construction under a design-build contract or manager-at-risk construction services contract, the licensed contractor must perform, with the contractor's own organization, construction work that amounts to at least half of the total contract price for construction.

Sponsor: Sen. Tibshraeny

Position: Staff recommendation is to support. Chandler, Mesa and the League of Cities and Towns initiated this proposal.

S1333: EDUCATION PROPERTY LIABILITY (PARKS)

Changes are made to a property code section on the duty of an owner, lessee or occupant to recreational or educational users is changed expanding the definition of premises to include playground, swimming pool, athletic field, greenbelt wherever located including urban areas. Definition of "recreational user" includes persons on the premises to picnic, climb, skate, ski, sled, or participate in team or individual sports activity.

Sponsor: Sen. Tibshraeny

Position: Staff recommendation is to support. This is a priority for the City of Mesa and the League of Cities and Towns.

S1213: PLUMBING CODE REPEAL

H2325: PLUMBING CODE REPEAL

The state uniform plumbing code is repealed.

Sponsor: Sen. Hellon

Sponsor: Rep. Graf

Position: Staff recommendation is to support.

S1070: AIRPORT EXPANSION OVERSIGHT

An Airport Expansion Oversight Commission is created; members are 1) legislators who represent districts that include any part of a city or town within a 65-decibel day-night sound level contour of a commercial airport owned by another city or town, and 2) legislators who represent any part of the city or town that owns the airport in question. A city or town cannot expand such an airport without submitting a plan to mitigate the impact of the expansion to the commission and 1) receiving the commission's approval, or 2) complying with a commission alternative plan, or 3) submitting the issue to arbitration if it does not agree with the commission recommendation and thereafter complying with the arbitrator's recommendation. Noncompliance would result in loss of revenue from the state aviation fund.

Sponsor: Sen. Mitchell

Position: Staff recommendation is to oppose, as this could impact Williams Gateway in the future. This bill has been held in Committee.

H2427: LIQUOR CONTAINERS; LOCAL ORDINANCES

A section of the liquor code prohibiting cities and counties from adopting ordinances in conflict with T4 is changed, now specifying that it does not prohibit any city, town or county from enacting limitations on the retail off-sale of alcoholic beverages in single-serving containers.

Sponsor: Rep. Jayne

Position: Staff recommendation is to support. This bill was initiated by the City of Phoenix.

H2190: MASSAGE THERAPISTS

A massage therapist licensed by the state or a city, town or county may practice in any city, town or county without further qualification.

Sponsor: Rep. Biggs

Position: Staff recommendation is to oppose. Some municipalities have extremely lax licensing standards and this bill does not address license revocation for criminal activity such as prostitution.

S1103: MASSAGE THERAPIST LICENSURE

The board of massage therapy is established to evaluate qualifications of applicants for licensure, designate examination requirements for applicants, regulate the practice of massage therapy, etc. Requirements for board membership, licensure, exemption from need for licenses, and much more included. The board executive director is the person serving as exec. dir of the naturopathic physicians board of medical examiners; \$75K is appropriated from the naturopathic physicians board of medical examiners fund for start up; requires 2/3 vote in each chamber.

Sponsor: Sen. Allen

Position: Staff recommendation is neutral. State regulation would be preferable to mandating reciprocity of all other jurisdictions' licenses.

Law Enforcement

S1059: TRESPASS: CRITICAL PUBLIC SERVICE FACILITIES

"Critical public service facility" is defined, in statutes governing criminal trespass, as a structure or fenced yard used either by a mass transit provider, a utility, phone company, law enforcement agency, fire dept., or emergency medical service provider - to manufacture, transport, distribute, or store, gas, oil, electricity, water or hazardous materials, unless it is a retail only facility. It is criminal trespass in the first degree to enter or remain unlawfully in a critical public service facility. A violation is a class 5 felony. Other criminal trespass

violations are classified as either class 6 felony or class 1 misdemeanor.

Sponsor: Sen. Tibshraeny

Position: Staff recommendation is to support. This is a League priority.

S1322: LAW ENFORCEMENT; MENTAL HEALTH TRAINING

H2373: PEACE OFFICER TRAINING; MENTAL ILLNESS

The peace officer's standards and training board is to prescribe training, certified by the health services dept. on the nature of mental illness and developmental disabilities and handling of cases involving persons with mental illness or developmental disabilities, including how to identify indicators of mental illness and to respond appropriately in a variety of common situation; conflict resolution and de-escalation techniques for potentially dangerous situations that involve such persons.

Sponsor: Sen. Mitchell

Sponsor: Rep. Straughn

Position: Staff recommendation is to oppose. The Mesa Police Department already exceeds these training standards, however, it is not appropriate to place training standards in statute, as AZPOST needs the flexibility to modify training standards in response to case law and law enforcement needs. This removes some statutory authority from AZPOST.

S1287: EMERGENCY VEHICLES; POLICE PURSUITS

Based on the Mesa Police Department Pursuit Policy. A section of the transportation code defining authorized emergency vehicles is repealed and rewritten to include a provision relating to police pursuits, including to define "pursuit" as the operation of a law enforcement vehicle by an officer in a manner that would otherwise be in violation, in an attempt to apprehend a person in a fleeing vehicle if the officer reasonably believes the person has violated the law and appears to be resisting apprehension. A pursuit is prohibited unless the pursuit is necessary to apprehend a person who poses an immediate threat to human life and the benefit of apprehension outweighs the risk of serious injury or death. The danger created by unlawful flight is not in itself justification for a pursuit.

Sponsor: Sen. Aguirre

Position: Staff recommendation is to oppose. This bill utilizes the Mesa Police Pursuit Policy as the statewide standard. However, it is important that law enforcement policies not be placed into statute, as the agencies need the flexibility to modify policy to address case law and respond to lessons learned through the use of policies.

H2297: PHOTO RADAR; SPEEDING

If a person is found responsible for a speeding violation and photo radar is used to identify the driver, no points shall be given and the driver's insurance company cannot consider the violation when determining rates. Applies to any photo radar speed citation received in a 24-month period.

Sponsor: Rep. Pierce

Position: Staff recommendation is to oppose. The City has historically opposed any measure that creates a distinction between photo safety citations and officer issued citations.

Firearms

H2318: FIREARM REGULATION

A political subdivision may not regulate the sale or transfer of firearms on property it owns, leases, operates or controls in a manner that is different than or inconsistent with state law. A use permit or other contract that provides for use of property owned, operated, controlled, etc. by the political subdivision must not be considered a sale, conveyance or disposition of property.

Sponsor: Rep. Graf

Position: Staff recommendation is to oppose.

H2321: CONCEALED WEAPONS

Carrying a concealed weapon without a permit is a petty offense punishable by a maximum fine of \$50.

Sponsor: Rep. Graf

Position: Staff recommendation is to oppose.

S1096: CHILD CARE FACILITY; WEAPONS RESTRICTION

The legal definition of "school" in the statute by which it is illegal to possess a deadly weapon on school grounds among other areas is expanded to include child-care facilities and preschool and after-school programs.

Sponsor: Sen. Mead

Position: Staff recommendation is to support.

ISSUES OF GENERAL PUBLIC POLICY INTEREST For Information Only

SCM1001: IMMIGRANTS; LEGAL WORKER PROGRAM

The legislature asks Congress to enact legislation to establish a legal worker program for immigrants entering the U.S. through ports of entry, including regulations that require workers to be paid minimum wage and pay payroll taxes, "protect the workers from exploitation" and make them eligible for employer-paid health insurance.

Sponsor: Sen. Arzberger

SCR1003: STATE SPENDING LIMIT; BUDGET STABILIZATION

The 2004 general election ballot is to carry the question of amending the state constitution to replace the current spending limit (7% of total personal income as

estimated by the economic estimates commission) with a new limit: the previous year's spending plus (or minus) the percentage change in population and cost of living. If state revenue exceeds the allowed amount of spending, the money may be put in a budget stabilization fund until the fund reaches 7% of the allowed spending total. The rest must be refunded to taxpayers. Money in the stabilization fund may be spent only when revenue fails to keep up with population and inflation growth or only for declared emergencies and by 3/4 vote in each legislative house. City and county revenue-sharing are prescribed; unfunded state mandates are limited.

Sponsor: Sen. Martin

HCR2009: TAX INCREASE; BALLOT SUPERMAJORITY

The 2004 general election ballot is to carry the question of amending the state constitution to provide that an initiative or referendum measure providing for a net increase in state revenue can take effect only if it is approved by two-thirds of the voters casting ballots on the measure.

Sponsor: Rep. Biggs

HCR2011: STATE SPENDING LIMIT; BUDGET STABILIZATION

The 2004 general election ballot is to carry the question of amending the state constitution to replace its prohibition of the state spending more than seven per cent of estimated total personal income with language saying the state cannot spend more than it spent the previous year plus or minus cost of living and population change percentages.

Sponsor: Rep. Pearce

HCR2012: STATE SPENDING LIMIT

The 2004 general election ballot is to carry the question of amending the state constitution to replace the current 7% of income state spending limit with language by which the state cannot spend more than it spent the previous year plus inflation and population percentage increases.

Sponsor: Rep. Jayne

HCR2024: VOTER APPROVED SPENDING; LIMITATION

the 2004 general election ballot is to carry the question of amending the state constitution to provide that if voter-approved spending fails to fully fund the program for which it is allocated, the Legislature, with approval of the governor, may proportionately reduce the spending.

Sponsor: Rep. Konopnicki

S1060: APPROPRIATION OF FEDERAL MONIES

The legislature retains the authority to appropriate all noncustodial federal monies (not for university research grants or the dept. of emergency and military affairs, or school districts or community colleges) received by any state agency,

and if the legislature declines to appropriate, the state agency shall administer and spend the monies pursuant to federal and state law. Includes definitions, accounting requirements.

Sponsor: Sen. Bennett

S1258: SMOKING IN PUBLIC

Sections of the health code on smoking in public places and state buildings are changed, appearing to eliminate a great deal of language with exceptions to the general prohibition. Smoking tobacco in any form is now prohibited in any indoor area that is open to the public. A person who violates the prohibition is guilty of a petty offense.

Sponsor: Sen. Brotherton

UPDATE ON ISSUES PREVIOUSLY REPORTED TO COUNCIL

Transportation

HB 2288: TRANSPORTATION DISTRICTS

Establishes the framework for a Regional Transportation District and Board in Maricopa County, with jurisdiction in the incorporated and unincorporated areas of the county. The Board of Directors of the District consists of the County Board of Supervisors, five mayors selected by the Maricopa Association of Governments and the Governor or her designee. The purpose of the District is to develop and approve a 20-year regional transportation system plan. This bill is supported by the Board of Supervisors to grant them additional authority over the planning and implementation of the proposed 1/2 cent transportation sales tax extension funds. This District would be in addition to MAG, which has Federally mandated jurisdiction over regional transportation planning.

Sponsor: Rep. Pierce

Position: Staff recommendation is to oppose.

UPDATE: This bill has not been heard in Committee yet.

HB 2292: TRANSPORTATION; EXCISE TAX; COUNTY

Provides that the Maricopa Association of Governments (MAG) shall establish a transportation policy committee, which with the state transportation board, and county board of supervisors, is to jointly adopt a comprehensive, multi-modal and coordinated regional transportation plan for the county. Any changes to the regional plan must be approved by a majority of the members of the state transportation board, county supervisors, and the policy committee. Maricopa county is to have its comprehensive plan approved by Nov 30, 2003. If a plan is developed and approved by all three entities, the bill provides authorization for an election to determine whether to extend the 1/2 cent transportation sales tax on or before November 2004, if approved by the Legislature after certification of the

plan. Allows for a transportation sales tax election in contiguous counties affected by the plan.

Sponsor: Rep. Pierce.

Position: Staff recommendation is to support with amendments to provide conformity with federal law regarding regional transportation planning and the removal of the overrepresentation of the County Board of Supervisors, as the County is already a voting member of MAG and the Transportation Policy Committee.

UPDATE: This bill has not been heard in committee yet. It appears as though this bill will be the vehicle for a "strike everything" amendment that will structure the governance of the 1/2 cent extension. Extensive negotiations have been ongoing with the sponsor and the stakeholders. It is too early to tell what the outcome may be, however, it appears as though Mesa's and the other cities' concerns are beginning to be addressed.

GAS TAX INDEX

At the request of the City Council, staff pursued legislation to index the gas tax to inflation. A bill file was opened and Senate Transportation staff analysts drafted the bill language. We were not successful in locating a sponsor for this measure. We even attempted to find a Democrat from another area to sponsor the bill and were not successful. However, staff is still pursuing having this issue considered by the Governor's Task Force on the State Budget and Tax Reform.

Eminent Domain

HB 2308: EMINENT DOMAIN

This bill is virtually identical to the eminent domain proposal from last session, HB 2487. Replaces the statutory references to "Redevelopment Area" with "Slum or Blighted Area". Requires that for a slum or blighted area to be declared, at least 85% of the properties in the area must meet the definition of slum or blighted. Removes crime as a consideration in determining whether a problem area exists. To use eminent domain, the municipality must make a determination that the slum or blight conditions cannot be removed without a transfer of ownership. Also prohibits property acquired through eminent domain from being sold, leased or transferred by the municipality for at least 10 years. The designation of a slum or blighted area terminates after five years. Establishes that the designation of a slum or blighted area is subject to judicial review.

Sponsor: Rep. Farnsworth

Position: Staff recommendation is to oppose.

UPDATE: No committee hearings have been held yet, although a change in committee assignments has been made, which will improve the odds that the bill will pass the House.

HB 2311: REDEVELOPMENT AREAS; REPEAL

Repeals Title 36, Chapter 12, Article 3, Redevelopment Areas, thereby removing all statutory authority for municipalities to establish redevelopment areas and projects. Redevelopment areas are one of the only tools available to local government for economic development in depressed and crime-ridden areas and to stimulate business investment in neglected neighborhoods.

Sponsor: Rep. Farnsworth

Position: Staff recommendation is to oppose.

UPDATE: No committee hearings have been held yet, although a change in committee assignments has been made, which will improve the odds that the bill will pass the House.

As the Session progresses, we will be providing Council with progress reports on these and other issues of significance to the City of Mesa.

Kelly Orrick
Government Relations Assistant

Jim Huling
Assistant to the City Manager for
Intergovernmental Relations

Mike Hutchinson
City Manager

February 13, 2003

The Honorable Fulton Brock, Chairman
Maricopa County Board of Supervisors
300 West Jefferson, 10th Floor
Phoenix, Arizona 85003

Re: Maricopa County Case Z2002-105, 4000 Block of South 80th Street (west side)
Waste Management East Valley Transfer Station and Truck Maintenance Facility

Dear Chairman Brock:

We appreciate the continued cooperation of Maricopa County with the City of Mesa pertaining to land planning issues. We also appreciate the cooperation shown by the applicant in this case, Waste Management Inc., in working with both City of Mesa staff and Maricopa County staff to arrive at a design solution that tries to achieve the development goals of all three parties.

Our staff has met with representatives of Waste Management to discuss the County Planning and Zoning Commission recommendation. The meeting was very productive, and Waste Management representatives agreed with City staff members on several issues, including the following items:

- A. Development of the site shall include half-street improvements (including paving, gutter and sidewalk) to ultimate width for 80th Street along the perimeter of the site, and bonding for half-street improvements (including paving, gutter and sidewalk) to ultimate width for Mesquite Road along the perimeter of the transfer station site. Landscaping shall be installed for 80th Street along the perimeter of the site during the first phase of construction, and bonded for Mesquite Road along the perimeter of the transfer station site, at a ratio of one tree and three shrubs per twenty-five lineal feet.
- B. The use of parapets, colors, building materials and design graphics in a manner that adds visual interest, complements all three metal buildings, and ties the building design to the design of the perimeter screen wall, as shown on the attached color illustrations.
- C. Provision of a meandering (as opposed to linear) alignment for the perimeter screen wall along 80th Street and Mesquite Street. The masonry wall would be extended along the south line of the development for ten to fifteen feet at the immediate southeast corner of the project. The intent is to "wrap" the masonry wall around the corner near the front gate, and avoid an end view of that wall when viewing it from the south.

- D. The main truck route to and from the site shall be kept reasonably clean of litter and debris. (Note: Waste Management staff has identified the initial route of access as being the following: starting at the case site, then south along 80th Street to Warner Road, west to Sossaman Road, then north to Elliot Road, then west to Power Road. When the San Tan Freeway is extended to this vicinity, the access route is anticipated to change.)

Establishing an appropriate level of design is important in this case for three reasons. First, the Mesa 2025 General Plan has established this area as appropriate for light industrial uses, and as such an IND-3 use would generally not be supported, except in this case we recognize that the zoning already exists, Second, our light industrial land use policy requires the use of high quality development. The Mesa 2025 General Plan identifies this goal in a description of the Williams Gateway sub-area (page 2-20): "Design standards in this area should provide aesthetically consistent and high quality development. *Typical techniques such as screening, landscape, separation of incompatible land uses, lighting, site design and architectural standards will be required.*" (Italics added for emphasis). Third, buildings that are seen as having a marginal design aesthetic chill the willingness of future development to meet the design goals established for the area. It becomes a case of "why should I do it if they didn't". Mesa wants to encourage a higher quality of design in all our future industrial areas along the San Tan Freeway, as we have along the Superstition Freeway.

The incorporation of items A through D listed above into the final project design will help mitigate the effects of having a waste transfer station at this location on the future light industrial activity we would like to promote in this vicinity. It should also bring the design aesthetic of the project into a greater degree of compliance with the Mesa 2025 General Plan. For these reasons, if these four additional items can be added to the stipulated conditions of approval recommended by the Planning and Zoning Commission, then the City of Mesa will support to the project and recommend the Board of Supervisors approve case Z2002-105.

With best regards,

Keno Hawker
Mayor

cc: Mesa City Council, Mike Hutchinson, Frank Mizner, Wayne Balmer, Richard Mulligan, Joy Rich

Attachments