

COUNCIL MINUTES

April 15, 2002

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 April 15, 2002 at 4:42 p.m.

COUNCIL PRESENT

Mayor Keno Hawker
Jim Davidson
Dennis Kavanaugh
Pat Pomeroy
Claudia Walters
Mike Whalen

COUNCIL ABSENT

Bill Jaffa

OFFICERS PRESENT

Mike Hutchinson
Debbie Spinner
Barbara Jones

Mayor Hawker excused Councilmember Jaffa from the meeting.

1. Review items on the agenda for the April 15, 2002 Regular Council Meeting.

All of the items on the agenda were reviewed among Council and staff with no formal action taken. There was specific discussion relative to the following items:

Mayor Hawker declared a potential conflict of interest on agenda item 4f (Fire Station No. 206 Expansion) and said he would refrain from discussion/participation in this item.

Mayor Hawker and Councilmember Pomeroy declared potential conflicts of interest on agenda item 6d (Setting May 20, 2002 as the hearing date for the annual assessments for the Mesa Town Center Improvement District No. 228) and said they would refrain from discussion/participation in this item.

Mayor Hawker stated that agenda item 9a (Z01-55, 1010 S. Stapley Drive) would be added to the consent agenda.

2. Discuss and consider the recommendation of the General Development Committee to amend the City of Mesa Animal Control Regulations and Zoning Ordinance to address the keeping of livestock and forward it on to the Planning & Zoning Board for their consideration.

Councilmember Walters, as Chairman of the General Development Committee, provided a brief overview of this item.

Neighborhood Planner Ben Patton addressed the Council and advised that although this agenda item was recommended for approval by the General Development Committee, staff was

directed to address three issues raised by Committeemembers: 1) the feasibility of reducing the cost of this Special Use Permit (SUP); 2) the disposition of individual lots within a Group SUP; and 3) how much property may be removed from a parcel through right-of-way acquisitions before livestock privileges are lost.

Mr. Patton reported that although a SUP application fee could be reduced by amending Chapter 18 of the Zoning Ordinance, staff does not support a reduction in the application fee for the proposed SUP because of the complexity involved in such a deviation and the inconsistency between the fee and the amount of staff time required to process the application.

Mr. Patton stated that a Group SUP application would allow several properties with similar circumstances to apply for an SUP under a single fee, although staff would administer each parcel individually. He explained that should a Group SUP application be submitted that contains an unreasonable request, such as an excessive number of animals, the Board of Adjustment/Zoning Administrator has several options to mitigate the controversial property, including denying the application outright, excluding that property from the application or conditioning the approval to address that parcel's contentious quality. He added that a single property owner who does not comply with the conditions of approval may have his/her SUP revoked without affecting other properties approved under the Group SUP.

Mr. Patton stated that in response to questions raised by Vice Mayor Davidson pertaining to a limit on the amount of property that may be removed from a parcel through right-of-way acquisitions before livestock privileges are lost, staff added language to the draft ordinance which requires that a minimum of 80% of the original property area remains intact to retain livestock privileges.

Councilmember Walters voiced approval concerning staff's answers to the three issues raised by the General Development Committee and commended staff for their efforts to work with residents concerning this issue. She stated the opinion that the draft ordinance represents a reasonable solution to this issue.

It was moved by Councilmember Walters, seconded by Councilmember Kavanaugh, that staff proceed with introduction of the draft ordinance.

Discussion ensued regarding the fact that the phrase "acquisition by gift" contained in the draft ordinance refers to right-of-way donated by an applicant as a condition of a building permit; and staff's rationale concerning the maximum 20% rule is that it represents the difference between a 1 acre lot (43,560 sq. ft.) and a R135 lot (35,000 sq. ft.).

In response to a question from Vice Mayor Davidson concerning staff's consideration of the welfare of animals maintained on smaller lots, Mr. Gendron stated that animal control staff confirmed that animals can be properly maintained on a 35,000 square foot lot and added that they support the draft ordinance.

Mayor Hawker declared the motion carried unanimously by those present.

3. Discuss and consider a Legislative update.

Assistant to the City Manager Jim Huling, Management Assistant Kelly Orrick and Assistant to the City Council Tom Remes provided the Council with a summary update of the 2002 State legislative session with an emphasis on the legislation impacting the City (See Attachment).

Mr. Huling reported that the legislature is considering numerous funding cuts in conjunction with the State's \$950 million budget deficit for fiscal year 2003. He noted that although cuts in State shared revenues are not proposed at this time, several proposed funding cuts are expected to impact the City, including: 1) elimination of Heritage Fund Grants for one year; 2) fund transfers into the State General Fund from areas such as the Heritage Fund, State Lake Improvement Fund, the Clean Air Fund and others; 3) additional transfers of Highway User Revenue Fund (HURF) revenue to fund the Department of Public Safety; and 4) four percent budget reductions in most State agencies. He added that summer youth employment and needy family assistance programs are also in danger of being cut.

Mr. Huling commented on the status of the two legislative bills initiated by the City (HB 2645 and HB 2261). He advised that HB 2645 represents a compromise concerning efforts to repeal the State mandated HURF maintenance of effort requirement and provides for a three-year suspension with an emergency clause. He noted that this bill passed the house (49-1) and is expected to pass the Senate.

In response to a question from Mayor Hawker, Mr. Huling explained that the emergency clause would allow HB 2645 to go into effect immediately.

Mr. Huling said that HB 2261 (Natural Gas Refueling Fee bill which would repeal a preemption on public power entities from charging a service fee for natural gas provided for the refueling of alternative fuel vehicles) is on the Governor's desk for signature.

In response to a question from Councilmember Walters concerning SB 1198 (Criminal Nuisance: Rave Parties) Ms. Orrick explained that this bill would allow law enforcement additional authority to prosecute property owners and promoters for illegal drug use on their premises.

In response to a question from Councilmember Pomeroy concerning HCR 2028 and HB 2121 (Establishment of New Counties), Mr. Huling advised that staff's report incorrectly states that HB 2121 removes the issue of dividing the assets of the Palo Verde Nuclear Plant. He further reported that although HB 2121 passed the House and was assigned to the Senate Government Committee, it is not expected to proceed any further this session.

Discussion ensued regarding the failure of HB 2606 (Eminent Domain); the status of HB 2487 (Eminent Domain: Slum and Blighted Areas) and the fact that although this bill has been assigned to the Senate Government Committee, it is not expected to be heard this session; and the fact that HB 2487 would restrict municipalities from selling, leasing or otherwise transferring real property obtained through the use of eminent domain for a period of 10 years and would also apply to existing areas designated as slum and blight areas.

Councilmember Kavanaugh commented on SB 1440 (Collective Bargaining, Public Safety Employees) and related efforts at the Federal level since September 11, 2001 and questioned staff's recommendations concerning this bill.

Vice Mayor Davidson voiced concerns regarding SB1244 and HB 2588 (Transportation; Parity Bonds; Limits) and increasing the State Transportation Board's debt load to compensate for the reallocation of HURF funds to the Department of Public Safety.

Councilmember Kavanaugh commented on SB 1062 (Direct Broadcast Satellite Sales) and on a recent Federal Communication Commission (FCC) decision that cable modem services are not subject to the City's franchise fee. He voiced support for the bill and stated the opinion that income from this legislation might help offset revenue lost as a result of the FCC decision.

Mr. Huling stated that staff has concerns regarding this bill because various legislators have indicated that State Shared Revenue would be cut to offset the revenue steam to municipalities resulting from this bill.

Councilmember Kavanaugh suggested that Council direction concerning SB 1062 be delayed until staff has had an opportunity to analyze the potential revenue impacts of the recent FCC decision.

Mr. Huling discussed the status of the various Tourism and Sports Authority (TSA) bills. He also reported on HB 2177, a new bill introduced earlier that day, which would require the TSA to possess fully executed agreements with the site host for land, parking and infrastructure improvements prior to September 3, 2002. He added that in the event of failure by the TSA, voters would be asked to reconsider the issue in November 2002. Mr. Huling also commented on various proposed amendments to this bill.

Mayor Hawker thanked staff for the update.

4. Hear an update and consider issues associated with the proposed site for the Multipurpose Facility.

Councilmember Whalen reported that contractual negotiations are proceeding with the Tourism and Sports Authority (TSA), the Hurley family and other parties and noted that substantial progress has recently been made with respect to design issues. He outlined the upcoming meeting schedule and said that it is anticipated that remaining issues can be resolved and that a proposal will be presented to the Council for consideration in the near future. He also reported that the legislative process is being closely monitored.

Councilmember Whalen advised that although Mesa's site has not been formally selected by the TSA, staff has begun the neighborhood mitigation process and will immediately begin seeking input from residents through neighborhood meetings. He also commented on assistance and cooperation that has been extended to a newly formed citizens' group (SASS, *Stand Against Stadium Site*) opposed to the project.

Councilmember Whalen discussed the ongoing efforts of the City Attorney to structure the Memorandum of Understanding between the City and the TSA in a manner that ensures that

there is no cost to Mesa residents and the City's general fund for construction, "game day" and other operational expenses.

Councilmember Walters stressed the importance of considering input from impacted residents during the decision making process and stated support for proceeding with neighborhood outreach efforts at this time.

City Manager Mike Hutchinson stated that staff would begin meeting with residents immediately.

Councilmember Kavanaugh concurred with Councilmember Walters' comments and also voiced approval concerning the recent progress in negotiation efforts to ensure that the project is revenue neutral.

Mayor Hawker concurred with the comments of Councilmembers Walters and Kavanaugh and also voiced approval concerning efforts to ensure that contingent liability issues are addressed in a manner that precludes the City from risk. He stated support for moving forward with negotiations and for soliciting citizen input concerning mitigation of construction, game-day and long term impacts.

Mayor Hawker thanked Councilmember Whalen for the update.

5. Acknowledge receipt of minutes of boards and committees.

- a. Downtown Development Committee meeting held March 21, 2002.

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

Mayor Hawker declared the motion carried unanimously by those present.

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

Councilmember Kavanaugh commented on his participation on a new national task force concerning interoperability of public safety communications and reported on his recent attendance at the first meeting of the task force. He stated that the purpose of the task force is to improve radio communications between various public safety organizations and the goal of the task force is to ensure that public safety personnel are not jeopardized due to inadequate communications. He commented on communication difficulties experienced in connection with the World Trade Center, Pentagon, Oklahoma City and other disasters. He noted that Mesa was recognized by the task force as a leader in this area and requested that the Council be updated at a future Study Session concerning the City's public safety communications systems.

Vice Mayor Davidson discussed his participation at the recent Relay for Life event at Mesa High School. He noted that the City of Mesa employees' team led all other teams at the event with respect to funds raised to benefit the American Cancer Society and he commended team members for their efforts.

Vice Mayor Davidson reported on his recent attendance at an event at the Sikh Temple in Phoenix. He noted that the congregation expressed appreciation to the cities of Mesa and

Phoenix for the condolences and support extended to the Sikh community following the death of Balbir Sing Sodi and for the efforts of the Mesa Police Department in connection with the investigation of Mr. Sodi's death.

Vice Mayor Davidson stated that a Water Safety Day event will be held at Mesa Community College on April 24, 2002.

Councilmember Walters commented on her attendance at the recent Mesa Grande Summit. She commended Mesa Grande members for their efforts to improve northwest Mesa and stated appreciation for the significant improvements made in this area during the last year, specifically at Mesa Lutheran Hospital. She also voiced appreciation to Neighborhood Services' staff for their ongoing efforts in this area.

7. Scheduling of meetings and general information.

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

Thursday, April 18, 2002, 7:30 a.m. – Study Session

Thursday, April 18, 2002, 9:30 a.m. – Transportation Committee

Thursday, April 25, 2002, 7:30 a.m. – Study Session (CANCELLED)

8. Prescheduled public opinion appearances.

There were no prescheduled public opinion appearances.

9. Adjournment.

Without objection, the Study Session adjourned at 5:35 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 15th day of April 2002. I further certify that the meeting was duly called and held and that a quorum was present.

BARBARA JONES, CITY CLERK

Attachment
pjt