

COUNCIL MINUTES

May 2, 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 May 2, 2002 at 7:30 a.m.

COUNCIL PRESENT

Mayor Hawker
Jim Davidson
Bill Jaffa
Pat Pomeroy
Claudia Walters
Mike Whalen

COUNCIL ABSENT

Dennis Kavanaugh

OFFICERS PRESENT

Mike Hutchinson
Barbara Jones

(Mayor Hawker excused Councilmember Kavanaugh from the meeting.)

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

1. Review items on the agenda for the May 6, 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:

Councilmember Whalen declared a potential conflict of interest on agenda item 4g (New Restaurant License for Dos Matta's, 1425 S. Alma School Rd., Ste. 105) and said he would refrain from discussion/participation in this item.

Mayor Hawker declared potential conflicts of interest on agenda items 5a (Basketball court refinishing as requested by the Parks & Recreation Division), 5i (Desert Wells #3 Equipment and Piping) and 5j (8th Street Retaining Wall, 1608, 1616 and 1624 West Mountain View) and said he would refrain from discussion/participation in these items.

Vice Mayor Davidson declared potential conflicts of interest on agenda items 7b (Authorizing the City Manager to execute an Intergovernmental Agreement between Salt River Project Agricultural Improvement and Power District and the City of Mesa for the Photovoltaic Demonstration Project at the East Mesa Regional Library), 7d (Extinguishing a portion of a Public Utilities Easement at 7703 East Des Moines Street), and 7i (Approving and authorizing the City Manager to execute an Intergovernmental Agreement between Salt River Project and the City of Mesa) and said he would refrain from discussion/participation in these items.

Mayor Hawker stated that agenda items 10a (Z02-06 The southeast corner of Brown Road and Recker Road) and 10e (Z02-10 The southeast corner of Hawes Road and Pueblo Avenue) would be removed from the consent agenda.

2. Discuss and consider recommendations regarding the acceleration of the street project on Baseline and Gilbert Road.

Councilmember Whalen voiced appreciation to staff for their efforts to minimize impacts relative to the street construction project at the intersection of Baseline and Gilbert Roads. He referred to staff's report concerning this matter and voiced approval regarding Option 1 (close the Gilbert/Baseline Road intersection for up to 14 days beginning on June 1, 2002) and Option 2 (pay the contractor to work overtime in addition to the intersection closure in Option 1) as outlined in staff's report.

It was moved by Councilmember Whalen, seconded by Councilmember Pomeroy, that Options 1 and 2 as outlined in staff's report dated April 26, 2002 be implemented to accelerate the Baseline Road/Gilbert Road street project.

In response to a question from Councilmember Whalen, City Engineer Keith Nath advised that the projected cost of Option 1 is \$12,000 and Option 2 is \$73,000, which would accelerate the completion date of the project from November 20, 2002 to October 4, 2002.

Councilmember Whalen commented on the inconvenience and difficulties endured by businesses and residents in this area and stressed the importance of accelerating the project.

Assistant City Engineer Peter Knudsen addressed the Council and described the overall Baseline Road street widening project from Horne to 24th Street and noted that the first phase of the project was completed last fall and the intersection at Gilbert Road represents a portion of the second phase of the project. He commented on the extensive input recently received from business at this intersection concerning impacts resulting from the overall project and noted that the business owners/managers requested that the City explore the possibility of accelerating the project to help minimize on-going impacts. Mr. Knudsen further reported that meetings were conducted with the project contractor, which resulted in the options presented to Council.

Public Relations Specialist Bob Rauscher advised that staff solicited follow-up input from the business owners/managers concerning the options and reported that of the 82 contacts made with businesses impacted at the intersection, 51 of the businesses expressed support for closing the intersection for two weeks to accelerate the project.

Mr. Knudsen stated that the proposed time frame for closure of the intersection is from June 1, 2002 through June 14, 2002.

Mr. Nath noted that closure of the intersection would also impact adjoining arterial streets and neighborhoods near the intersection and added that the City has never undertaken a major intersection closure for this length of time.

Mayor Hawker declared a potential conflict of interest and refrained from discussion/participation in this item and yielded the gavel to Vice Mayor Davidson for action concerning this agenda item.

In response to a question from Councilmember Pomeroy, Mr. Nath explained that although the intersection would be closed to through traffic, accessibility to businesses at the intersection would remain open.

In response to a question from Councilmember Walters, Mr. Nath described signs that would be used near the intersection to advise motorists that the intersection is open for local traffic only.

City Manager Mike Hutchinson voiced approval regarding Options 1 and 2 and noted that although staff will conduct a comprehensive notification process and otherwise strive to minimize traffic impacts, it is anticipated that there will be significant traffic impacts resulting from closure of the intersection.

Councilmember Jaffa indicated support for the motion and urged staff to conduct extensive neighborhood outreach concerning the intersection closure. He also commented on the importance of accelerating improvements to McDowell Road.

Upon tabulation of votes, it showed:

AYES - Davidson-Jaffa-Pomeroy-Walters-Whalen

NAYS - None

ABSTAIN – Hawker

ABSENT - Kavanaugh

Vice Mayor Davidson declared the motion carried unanimously by those present and voting.

With action on this item being completed, Vice Mayor Davidson yielded the gavel back to Mayor Hawker.

(Councilmember Whalen was excused from the remainder of the meeting at approximately 8:30 a.m.)

3. Discuss and consider recommendations regarding the funding and award of the Mesa Arts Center contract.

Deputy City Manager Debbie Dollar addressed the Council regarding this item and provided a brief historical overview concerning the bid process associated with the proposed construction award for the Mesa Arts Center.

Arts and Cultural Director Geri Gerber addressed the Council and introduced Rick Phannensteil, Construction Manager of Kitchell Corporation, Joanie Flatt, Chair of the Mesa Arts and Entertainment Alliance and Mary Jo Whalen, Chair of the Mesa Arts and Entertainment Design Committee.

Ms. Gerber provided a brief overview of the efforts of the Mesa Arts and Entertainment Design Committee concerning the design goals and process associated with this project and read the Mission Statement of the Committee.

Ms. Gerber stated that staff's recommendations incorporate recommendations from the Design Committee and design team for cost reductions that combined with capital funds raised by the Mesa Arts and Entertainment Alliance and cultural impact fees, help to fully fund the project. She added that the project includes the 1600-seat Lyric Theater, 500-seat Repertory Theater, 200-seat Playhouse Theater, 99-seat Signature Theater, Contemporary Arts Gallery, Studio classroom building, Shadow Walk Plaza, landscaping, a chilled water plant and completion of the streetscape bordering the Center. She noted that the recommended cost reductions do not impact the signature architecture and design elements of the project.

Ms. Whalen addressed the Council and reported that the Mesa Arts and Entertainment Design Committee unanimously approved \$1,243,590 in cost reductions recommended by the design team.

Ms. Flatt addressed the Council and advised that due to the capital funding shortage, the Mesa Arts and Entertainment Alliance has elected to postpone the endowment fund drive and concentrate efforts on raising \$3.7 million in capital funding.

City Engineer Keith Nath outlined the costs associated with the project and the funding sources, including: 1) all on-site improvements for the Mesa Arts Center except for the alternates (base bid) minus the cost reduction savings (\$66,495,170) will be funded from Quality of Life sales tax, utility Revenue Funds and Arts/Cultural Impact Fees; 2) all streetscape improvements on Center Street and Main Street (\$2,816,534) will be funded by street bonds; and 3) completion of bid alternates including completion of the Playhouse and Signature Theaters, architectural canopies, sunshade fabric and skylights at the Contemporary Arts Building (\$3,157,322) will be funded by private funds raised by the Mesa Arts and Entertainment Alliance.

Discussion ensued regarding design enhancements made concerning the proposed district cooling system, and the fact that a cost reduction was made to this project to distribute a proportionate share of the cost for the district cooling system to the Aquatics Center project.

Discussion ensued regarding the fact that a 5% construction contingency (\$3,623,451) is included in the proposed total award of \$76,092,476.90, and the fact that the contingency will be funded by Arts and Cultural Impact Fees.

In response to a question from Mayor Hawker concerning the chilled water cooling system, Mr. Nath advised that the system is designed to serve the Mesa Arts Center and the future Aquatics Facility plus additional capacity for future uses.

In response to a question from Mayor Hawker regarding noise attenuation concerns, Ms. Gerber and Ms. Whalen advised that their concerns regarding noise impacts have been addressed.

Mr. Phannensteil outlined and commented on the numerous design modifications made to reduce costs.

In response to questions from Councilmember Pomeroy concerning the proposed design changes, Ms. Gerber stated that the design team and the Mesa Arts and Entertainment Design Committee have tenaciously protected the architectural integrity of the project. She added that a value engineering process has been utilized at every stage of project design in order to maintain the project within the prescribed budget.

Discussion ensued regarding the various design modifications including changes in landscaping and construction materials.

Ms. Gerber advised that a complete design presentation will be provided to the Council by the project architect at the May 6, 2002 Regular Council Meeting.

Councilmember Pomeroy voiced appreciation to the design team, the Arts and Entertainment Design Committee and the Arts and Entertainment Alliance for their work to date concerning this project.

It was moved by Councilmember Pomeroy, seconded by Councilmember Walters, that the construction award for this project be considered by the Council at the May 6, 2002 Regular Council Meeting.

Councilmember Walters stated appreciation to the Mesa Arts and Entertainment Alliance for responding to the need for additional capital to fund this project.

In response to a question from Councilmember Walters, Ms. Gerber advised that the groundbreaking ceremony for the project is scheduled on May 20, 2002 at 9:30 a.m. at the project site.

Vice Mayor Davidson stated support for the project and stressed the importance of the youth education facilities incorporated into the project.

Mayor Hawker requested that staff provide him with an itemization concerning the allocation of costs associated with the chilled water cooling system.

Mayor Hawker declared the motion carried unanimously by those present.

4. Further discussion and consideration on revisions to big box retail regulations.

Planning Director Frank Mizner provided an historical overview concerning the Council's previous consideration and direction concerning this issue. He referred to staff's report concerning this item and stated that in response to Council direction on April 11, 2002, staff has provided an itemization of 23 existing large retail sites in the City. He further reported that all 23 sites have been approved through some type of public hearing process and noted that a significant expansion or reconfiguration of these structures would require a site plan modification process through the Planning and Zoning Board and the Council. He added that although some of the sites have not yet been built, all of the sites are appropriately designated on the Mesa General Plan as either Community or Regional Commercial. Mr. Mizner stated that staff is unaware of any sites within the City where a big box retail store could be built outside the Council review/public hearing process.

Discussion ensued concerning the fact that the Planning and Zoning (P & Z) Board recommended that the Council not proceed with a big box ordinance; the draft ordinance amendments recommended by the P & Z Board in the event the Council elects to proceed with the draft ordinance; and the fact that staff supports the P & Z Board's proposed amendment deleting the one-mile separation requirement from the draft ordinance.

Councilmember Walters voiced support regarding the P & Z Board's underlying recommendation that the Council not adopt an ordinance limiting big box retail development. She explained that because of staff's assurances that future big box retail development would trigger a Council review/public hearing process, the fact that the proposed updated Design Guidelines will address big box retail concerns, and because she has concerns regarding unintended consequences of a big box ordinance and favors a process of considering future big box retail development on a case-by-case basis, she is opposed to moving forward with a big box retail ordinance.

In response to questions from Vice Mayor Davidson, Mr. Mizner explained that adoption of a big box ordinance would implement a Council Use Permit process, which would be governed by the various criteria outlined in the approved ordinance.

Councilmember Pomeroy stated opposition to implementing a big box ordinance and voiced the opinion that the updated Design Guidelines will adequately address big box retail concerns.

Vice Mayor Davidson voiced the opinion that locational issues relative to big box retail development, including traffic and neighborhood impacts, would not be addressed through the updated Design Guidelines and stated support regarding implementing a big box retail ordinance.

Discussions ensued regarding the fact that General Plan land use designations and zoning restrictions serve to restrict the locations of big box retail development.

Additional discussion ensued regarding locational restrictions contained in the draft ordinance and amendments relative to schools and residential areas, and the fact that based on staff's analysis of potential sites for future big box retail development, any future infill or redevelopment big box projects would trigger a public hearing process.

It was moved by Councilmember Walters, seconded by Councilmember Pomeroy, that the Council not impose a Council Use Permit policy relative to big box retail development.

Councilmember Walters reiterated that because she is no longer concerned that there is a possibility that a big box retail store could be developed outside the Council review/public hearing process, she is opposed to enacting an ordinance that would restrict Council flexibility when considering future big box cases.

Vice Mayor Davidson stated opposition to the motion and commented on the importance of maintaining consistency when making development related decisions.

In response to a question from Councilmember Jaffa concerning criteria in the updated Design Guidelines that would apply to big box retail, Mr. Mizner explained that although there are a number of design criteria in the Guidelines that would apply to large retailers, the guidelines do not contain locational criteria.

Councilmember Jaffa stated that although he supports the motion, he is not opposed to further consideration of big box retail development locational restrictions and he commented on the possibility of incorporating big box retail locational restrictions in the updated Design Guidelines.

Upon tabulation of votes, it showed:

AYES – Hawker-Jaffa-Pomeroy-Walters
NAYS – Davidson
ABSENT – Kavanaugh-Whalen

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

5. Hear an update on Mesa's participation in the Central Phoenix/East Valley Light Rail Transit Project.

City Manager Mike Hutchinson provided a brief update concerning the status of this project and reported on a recent meeting of local City Managers regarding governance issues associated with this project. He also reported that there has been recent progress relative to project financing issues. He added that staff will continue to update the Council as developments progress.

6. Acknowledge receipt of minutes of boards and committees.

- a. Human Relations Advisory Board meeting held March 27, 2002.
- b. Transportation Advisory Board meeting held March 19, 2002.
- c. Transportation Advisory Board Joint Master Planning Committee – Transportation Subcommittee meeting held March 19, 2002.

Discussion ensued concerning the Human Relations Advisory Board minutes and the Board's input concerning the potential future Day Labor Center.

It was moved by Vice Mayor Davidson, seconded by Councilmember Pomeroy, that the above-listed minutes be acknowledged.

Mayor Hawker declared the Motion carried unanimously by those present.

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

Vice Mayor Davidson reported on meetings he attended at the recent International Downtown Association Conference concerning public transit and transportation. He noted that it was reported that a key factor influencing a recent Boeing facility move to the Chicago area was the accessibility of public transit for employees. He also reported that reauthorization of the Transportation Equity Act was also discussed.

Vice Mayor Davidson voiced appreciation to the Utilities Department for their efforts to host the Arizona Water and Pollution Control Association Conference in Mesa.

Councilmember Walters congratulated members of the Mesa United Way for surpassing this year's campaign goal and voiced appreciation to City employees for their contributions to this campaign.

Mayor Hawker commented on his participation in a recent Maricopa Association of Governments' tour of the northwest Valley area in conjunction with analysis of local transit and transportation infrastructure needs. He noted that there are significant needs throughout the Valley for transportation related improvements and stressed the importance of Mesa being adequately represented with respect to distribution of local transportation funding.

Councilmember Jaffa reported on his attendance at the International Downtown Association Conference. He also commented on his attendance at a recent local meeting concerning flood control issues and he discussed the importance of accelerating flood control improvements in eastern areas of the City.

Further discussion ensued regarding flood control infrastructure needs and the lack of County funds available to address needs in northeastern areas adjacent to the City.

8. Scheduling of meetings and general information.

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

Monday, May 6, 2002, 3:00 p.m. – Finance Committee Meeting

Monday, May 6, 2002 – Executive Session following Finance Committee Meeting

Monday, May 6, 2002 – TBA - Study Session

Monday, May 6, 2002, 5:45 p.m. - Regular Council Meeting

Thursday, May 9, 2002, 7:30 a.m. – Study Session

Thursday, May 9, 2002, 9:30 a.m. – Fire Committee Meeting CANCELLED

Monday, May 13, 2002, 4:30 p.m. – Transportation Committee Meeting

Wednesday, May 15, 2002, 6:00 p.m. – Joint Dinner with the City of Chandler

Thursday, May 16, 2002, 7:30 a.m. - Study Session

Thursday, May 16, 2002, 9:30 a.m. – Police Committee Meeting

Monday, May 20, 2002, TBA – Study Session

Monday, May 20, 2002, 5:45 p.m. – Regular Council Meeting

9. Prescheduled public opinion appearances.

There were no prescheduled public opinion appearances.

10. Items from citizens present.

There were no items from citizens present.

11. Adjournment.

Without objection, the Study Session adjourned at 9:35 a.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 2nd day of May 2002. I further certify that the meeting was duly called and held and that a quorum was present.

BARBARA JONES, CITY CLERK

pjt