

COUNCIL MINUTES

September 25, 2000

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 September 25, 2000 at 4:30 p.m.

COUNCIL PRESENT

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

COUNCIL ABSENT

None

OFFICERS PRESENT

Mike Hutchinson
Neal Beets
Barbara Jones

* Councilmember Whalen participated in the entire meeting by use of teleconferencing equipment.

1. Review items on the agenda for the September 25, 2000 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 potential conflicts of interest on agenda items 4i (Red Mountain Park Improvements) and 4l (Gilbert Road and University Drive Bridge Widening) and said he would refrain from discussion/participation in these items.

Vice Mayor Davidson declared potential conflicts of interest on agenda items 5d (Authorizing the Use of Eminent Domain to acquire properties necessary to construct the Gilbert Road Improvement Project) and 5f (Authorizing the Sale of City Property to Salt River Project at Queen Creek and Recker Road) and said he would refrain from discussion/participation in these items.

2. Hear an update on the Gilbert Road and University Drive intersection widening.

City Manager Mike Hutchinson noted that the Gilbert Road/University Drive intersection widening is one of many projects the City will be undertaking in preparation for the anticipated effects the expansion of the 202 Freeway will have in that area.

City Engineer Keith Nath provided the Council with a brief update on this project which was approved by the Council approximately one year ago with direction to staff to proceed with design and right-of-way acquisitions. Mr. Nath reported that the design is approximately 80% complete and added that right-of-way discussions have begun with various property owners. Mr.

Nath noted that the project as proposed consists of three through lanes in each direction, both on Gilbert Road and University Drive, raised medians on Gilbert Road, double left turn lanes at all legs of the intersection and noted that on the west leg of University Drive, a right-turn lane is planned. Mr. Nath also informed the Council that bike lanes are being proposed on all sides of the streets and a sidewalk will be included with the street improvement. Mr. Nath also discussed the bridge widenings, one on the south leg of Gilbert Road and the other on the west leg of University Drive. Mr. Nath said that if approved, the bridge projects will begin in November 2000, during the canal dry-up, and will cost approximately \$875,000.00. Mr. Nath commented that the road improvements are planned to start in June 2001 and stated that staff has identified approximately 35 parcels for which additional right-of-way or easements are required.

Mr. Nath also discussed other improvements on Gilbert Road, including one to the north, the right-of-way acquisition on Gilbert Road from Lockwood to the Red Mountain Freeway, and said that the project is scheduled to begin in Spring 2001 (February/March) and will be completed by the Summer of 2001. Mr. Nath noted that staff has programmed into the Capital Improvement Program improvements to Gilbert Road from University Drive to McKellips Road and said that this project is scheduled to occur in the 2003-2004 timeframe.

In response to a question from Councilmember Kavanaugh, Mr. Nath advised that three bus pull-outs are planned for the project, one on the north leg of the intersection, one at the shopping center on the northwest corner and another at the southeast corner adjacent to the gas station. Mr. Nath said that on the southwest corner, a bus shelter is planned but no bus pull-out because of the impact on the adjoining service station (a total take) if a pull-out was constructed.

In response to a request for clarification from Councilmember Pomeroy, Mr. Nath stated that three lanes will be constructed east and west through the intersection and added that approximately 1,000 feet away from the intersection, the lanes taper back to the existing two in each direction. Mr. Nath explained that by moving more traffic through the signal, more volume can be carried on the street.

Mr. Nath informed the Council that as part of this project, Garcia's Restaurant and some shops along the frontage on Gilbert Road will be impacted. Mr. Nath said that once the appraisals have been completed, staff is proposing to do a total take on the building. Mr. Nath added that the owner of the building would like to build a new building farther back on the site in from the road and stated that Real Estate staff has been discussing this matter with the owner.

Discussion ensued relative to construction timetables and anticipated freeway completion, staff's proposal that the actual work on the intersection be phased to avoid excessive traffic congestion, the fact that the north/south leg, the Gilbert leg, will be constructed during the June 1 to November timeframe and work will begin on University Drive the following winter after January, and the fact that this would allow a two-month hiatus period to occur beginning the middle of January.

In response to a question from Councilmember Whalen, Mr. Nath stated that the road through the intersection has been slightly shifted in an effort to mitigate some of the noise impacts on the Methodist Church, located on the northeast corner of the intersection. Mr. Nath added that staff will meet with the members of the Church in an effort to address additional concerns expressed by them regarding the road improvements. Mr. Nath noted that effort has been expended to provide additional parking to the Church, so the parking areas that they are losing in one area,

they will be picked up from the parcel located to the north of the Church. Mr. Nath added that the bus pull-out can be constructed in a manner that will not affect the Sanctuary.

Councilmember Walters questioned when construction of the new Garcia's Restaurant would occur and Mr. Nath explained that the owner would like to phase the construction of the building to allow the new building to be constructed while the old building remains in operation for as long as possible.

3. Discuss and consider League resolutions.

Assistant to the City Manager Jeff Martin and Government Relations Assistant Kevin Adam addressed the Council relative to this agenda item.

Mayor Hawker recommended that in the interest of time, the various League resolutions be considered in groups and encouraged the members of the Council to provide input on any issue that is of interest to them.

Councilmember Davidson referred to Resolution #4, (Urges the Legislature, telecommunications companies and municipalities to work cooperatively to enact statutory provisions that will foster competition in telecommunication services and enable cities and towns to effectively manage the public's property,) and questioned whether this proposal would involve discussions on public utility/property easements and fees.

Mr. Martin stated the opinion that the discussions will not involve those areas and said that the purpose of the resolution is simply to state that the City of Mesa is willing to work with the telecommunications industry to try to resolve a number of outstanding issues. Mr. Martin said that he does not believe that this will include public utility easements.

Mayor Hawker commented on Resolution #5, (Supports the efforts of the Governor's Vision 21 Task Force to provide additional resources, such as increasing the fuel tax and/or indexing the fuel tax for inflation, to meet the transportation needs of communities throughout the State of Arizona,) and said that indexing the fuel tax for inflation was a separate resolution that Mesa had submitted. Mayor Hawker added that this has been combined with the Governor's Vision 21 Task Force as a potential funding method for transportation related items that would surface as a result of the Governor's recommendation or others. Mayor Hawker said that committee discussions stressed the importance of identifying/providing funding sources along with the various recommendations.

Councilmember Jaffa expressed concern that another tax increase may be proposed as a result of this and requested that Mr. Martin keep him informed of this matter.

Vice Mayor Davidson referred to Resolution #7, (Urges the State to reaffirm its support for aviation across Arizona by distributing all of the Flight Property Tax revenues into the State Aviation Fund. Such action, coupled with the changes to the Arizona Department of Transportation's grant process, will help assure adequate funding for airport safety, security and capacity projects and thereby safeguard the integrity of the State aviation system), and questioned whether this is an example of the State replacing revenues to support tax cuts in other areas.

Mr. Martin stated the opinion that the monies were not being spent quickly enough and the State looked at the amount of money in the fund and determined that it would be able to utilize a portion of that money. Mr. Martin added that efforts have been underway for the past three or four years to recapture those monies and have them allocated towards airports once again.

Vice Mayor Davidson spoke in support of this resolution.

Councilmember Kavanaugh commented on Resolution #9, (Pledges to work in partnership with the State Legislature, the business community and the national coalition that is working to develop a taxing structure for goods and services sold on the Internet, to recommend or endorse a strategy to Congress that will preserve local sales tax revenues and ensure a level playing field for all businesses), and said that this follows up on work that Mesa as a City has performed in conjunction with the League and the National League of Cities and Towns on internet taxation. Councilmember Kavanaugh noted that legislation has been proposed by the various governmental entities and has received broad support. Councilmember Kavanaugh said that he is hopeful that this will move us forward towards the adoption of a uniform policy relative to internet taxes.

In response to a request for a show of support/opposition from the Council on Resolution #9, Mayor Hawker stated that he will vote in support of this proposal.

Mayor Hawker commented on Resolution #11, (Urges the Legislature to allow municipalities to place a lien on a property for unpaid water charges), and said that he was not in support of placing a lien on a parcel of property because of an unpaid water bill. Mayor Hawker stated the opinion that it would be more appropriate to increase the deposit and requested input from the Council.

Vice Mayor Davidson pointed out that a law currently exists that allows the placement of a lien on property as a result of unpaid sewer fees and expressed the opinion that the resolution is worded to assist agricultural uses.

Mr. Martin informed the Council that the real purpose of this resolution is to provide a method of dealing with the "slumlord" issue.

Vice Mayor Davidson said that if this is the case, the laws that are already in existence regarding liens if sewer fees are not paid are adequate and this additional proposal is unnecessary.

Councilmember Walters expressed the opinion that unless the bill is broken out and the charges are listed separately, the law cannot be used.

Mr. Martin concurred with Councilmember Walter's summation of this item and said that since sewer fees are not broken out separately, this added authority may assist cities in dealing with the "slumlord" issue.

Councilmember Jaffa spoke in support of ensuring that deposits for just the slumlords are initiated and added that he would not support increasing deposits for all residents.

Mayor Hawker commented on the lack of a majority in support of or opposition to this item and indicated his intention to pursue this issue at the League and vote according to what he believes to be in the best interest of the City of Mesa.

Mayor Hawker commented on Resolution #15, (Urges the State Legislature to amend ARS 42-12011(A)(4) so that mixed financed public housing facilities as provided for, defined in and controlled by 42 U.S.C., Section 42-1437Z-7 can qualify as class eleven property assessed at 1% of full cash value – in recognition of the public purpose to which the property is used and the Federal authorization for such financing mechanisms), and said that he does not support this proposal. Mayor Hawker said that according to this proposal, handicapped persons and persons over the age of 62 would qualify for a special tax break on housing. Mayor Hawker added that he would be hesitant to divide sections of the community and provide tax breaks to a select group.

Vice Mayor Davidson commented that this will provide incentives to investors to build affordable housing for seniors and handicapped individuals. Vice Mayor Davidson said that this stops Federal/ local governments from funding these types of services and provides indirect incentives for the private investor to construct affordable homes. Vice Mayor Davidson added that a certain age group may benefit from this proposal but added that this number is insignificant compared to the benefits the development of affordable housing would provide.

In response to a request for a show of support/opposition for Resolution #15, Mayor Hawker stated that he will support this proposal.

Councilmember Pomeroy discussed Resolution #17, (Urges the Legislature to improve the ability of municipalities to address neighborhood problems associated with group homes), and urged Mayor Hawker to support this measure.

Mayor Hawker noted that Mesa is supportive of this resolution and any others that have Mesa listed as a sponsor.

Mayor Hawker referred to Resolution #19, (Urges the Legislature to allow municipalities a one-time opportunity to annex County enclaves (enclaves being defined as those areas surrounded on all sides by a municipality). Such a one-time opportunity would provide a small window, eighteen (18) months, within which a municipality could act), and pointed out that this pertains to areas such as Leisure World and would allow the City, without the residents' consent, to annex the property during an 18-month period. Mayor Hawker said he does not support the proposal.

In response to a show of support/opposition for Resolution #19, Mayor Hawker stated that he will vote in opposition to the passage of this item.

Mayor Hawker referred to Resolution #21, (Seeks to increase the number of signatures needed to call a referendum challenging the recent passage of an ordinance-franchise, or resolution from 10% to 15% of those individuals that voted in the last election involving the selection of a mayor or councilperson), and stated the opinion that this proposal seeks to hamper the referendum process. Mayor Hawker said that he does not support passage of this measure.

In response to a show of support/opposition for Resolution #21, Mayor Hawker stated that he will vote in opposition to the passage of Resolution #21.

Mayor Hawker discussed Resolution #25, (Urges the State to adopt legislation to continue to support domestic violence prevention programs, victim services and enhanced punishment for domestic violence offenders), and said that although this is a worthy cause, no funding has been identified to fund the proposal.

Councilmember Kavanaugh commented that as a City, Mesa supports efforts that have been initiated by MAG in this area and said that the proposal appears to be consistent with what the City has supported in the past.

Councilmember Walters noted that the City does support domestic violence prevention programs and added that this resolution merely urges the State to continue in that direction. Councilmember Walters expressed the opinion that this is more of a statement of principle than anything else.

Mayor Hawker indicated his intention to support Resolution #25.

Mayor Hawker discussed Resolution #29 (Urges the Legislature to support funding of the School to Work Opportunities Act), and questioned whether this proposal includes any funding mechanism.

Mr. Martin expressed the opinion that an appropriation in the amount of \$5 million is being requested.

Mayor Hawker advised that he was not in support of this measure since the proposal does not indicate where the \$5 million in funding would come from.

Councilmember Pomeroy expressed the opinion that the proposal does not call for any additional monies and said that if the resolution is approved, the \$5 million in funding is also approved. Councilmember Pomeroy said that the funding is part of the proposition.

Mayor Hawker indicated his intention to clarify this issue and said that if it is the case, he would vote in support of Resolution #29.

Vice Mayor Davidson commented on Resolution #30, (Urges the Legislature to preserve the authority of local governments to protect and enhance community values through land use planning and zoning for commercial hazardous waste treatment, storage and disposal facilities), and spoke in strong support of this proposal. Vice Mayor Davidson stated that this resolution has to do with siting and expansion of hazardous waste and disposal sites in proximity to residential areas.

Mayor Hawker indicated that he was not in support of this measure based on the fact that the proposal takes away the rights of some people who are currently properly zoned, to expand their existing facilities in the future.

Councilmember Walters pointed out that this proposal would prevent the State from pre-empting local control and indicated support for this resolution.

In response to a request for a show of support/opposition to Resolution #30, Mayor Hawker stated that he will support this proposal.

Councilmember Walters referred to Resolution #33, (Urges the Legislature to enact legislation which will allow counties to remove past due property taxes due on properties meeting certain brownfields criteria to allow economic development of the property), and said that she believes Mesa contains properties that would meet the criteria. Councilmember Walters stated the opinion

that this measure would assist the City in addressing an existing problem and urged support of the proposal.

Mayor Hawker commented on the fact that the term "brownfields" was interpreted to mean that it may be perceived that environmental harm was done to the property and questioned whether this is still the case.

Mr. Martin informed Mayor Hawker that in response to concerns, this language was removed.

Mayor Hawker said that he will then vote in support of Resolution #33.

Councilmember Kavanaugh referred to Resolution #38, submitted by the City of Phoenix, (Pledges to work in partnership with the State Legislature, Attorney General's Office and the Secretary of State's Office, to develop effective policies and standards regarding access and confidentiality of personal information on electronic records), and stressed the importance of adopting policies and standards, particularly regarding access to confidentiality matters. Councilmember Kavanaugh urged Mayor Hawker to support this measure.

Mayor Hawker indicated support for Resolution #38.

4. Appointments to boards and committees.

Mayor Hawker recommended the following appointments to Boards and Committees:

MESA 2025 – A SHARED VISION (JOINT MASTER PLANNING COMMITTEE)

Vince DiBella
Robert Napodano

FRIENDS OF THE TONTO COMMITTEE

Jeanne Kennedy

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

Carried unanimously.

5. Acknowledge receipt of minutes of various boards and committees.

- a. Board of Adjustment meeting held September 12.
- b. Crime Prevention Advisory Board meeting held September 20.
- c. Housing and Human Services Advisory Board meeting held August 22.
- d. Library Advisory Board meeting held September 12.

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

Carried unanimously.

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

There were no reports on meetings and/or conferences attended at this time.

7. Scheduling of meetings and general information.

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

Tuesday, September 26, 2000, 8:00 a.m. – Motorola Breakfast

Tuesday, September 26, 2000, 6:00 p.m. – Mesa 2025 Shared Vision at the Rendezvous Center

Thursday, September 28, 2000, 7:30 a.m. – Study Session (Cancelled)

Monday, October 2, 2000, 3:00 p.m. – Police Committee Meeting

Monday, October 2, 2000, 5:45 p.m. – Regular Council Meeting

Tuesday, October 3, 2000, 8:30 a.m. – General Development Committee Meeting

Tuesday, October 10, 2000, 4:00 p.m. – Finance Committee Meeting

Thursday, October 12, 2000, 9:30 a.m. – Transportation Committee Meeting

Monday, October 16, 2000, 3:30 p.m. – General Development Committee Meeting

Thursday, October 19, 2000, 7:30 a.m. – Study Session (Cancelled)

8. Prescheduled public opinion appearances.

Mayor Hawker advised that there were no items from citizens present.

9. Adjournment.

Without objection, the Study Session adjourned at 5:35 p.m.

KENO HAWKER, MAYOR

ATTEST:

BARBARA JONES, CITY CLERK

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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 25th day of September, 2000. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this ____ day of _____ 2000

BARBARA JONES, CITY CLERK

lgc