

# COUNCIL MINUTES

February 17, 2005

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 17, 2005 at 7:30 a.m.

## COUNCIL PRESENT

Mayor Keno Hawker  
Rex Griswold  
Kyle Jones  
Tom Rawles  
Janie Thom  
Claudia Walters  
Mike Whalen

## COUNCIL ABSENT

None

## OFFICERS PRESENT

Mike Hutchinson  
Debbie Spinner  
Barbara Jones

### 1. Review items on the agenda for the February 22, 2005 Regular Council meeting.

All of the items on the agenda were reviewed among Council and staff and the following was noted:

Conflicts of interest declared: 4a, 4b, 7b (Whalen)

Items removed from the consent agenda: 6g

Items added to the consent agenda: 8c

### 2. Hear, discuss and consider a Federal legislative report.

Assistant to the City Manager Jim Huling stated that he and City Council Assistant Scott Butler were present to provide a summary of the City's 2005 Federal legislative priority funding requests and the National League of Cities' legislative and advocacy agenda, both of which are outlined in the Council Report. He reported that the Bush Administration is proposing deep cuts in all Federal programs except Defense and Homeland Security. Mr. Huling advised that the proposed Federal budget cuts that would most impact the City include Community Development Block Grants (CDBG), the Section 8 Housing Program, the Airport Improvement Program and the Army Corps of Engineers. He noted that the Community Oriented Policing (COPS) Program was scheduled to expire, and that the Administration is not proposing to extend the program. Mr. Huling added that in recent years the City has successfully pursued Federal funds to address a number of projects, and he advised that the 2005 funding requests are as follows:

- Va Shly'ay Akimel (Salt River Ecosystem Restoration) - \$1.6 Million
- Williams Gateway Airport - \$1.65 Million
- Transit Appropriations - \$90 Million
- Public Safety Communications - \$246,000
- Brownfield Study (Assessment of Environmental Contamination) - \$100,000
- Intelligent Transportation Systems (ITS) - \$300,000

Mr. Huling stated that staff developed the funding recommendations based on information received from the various City departments. He advised that staff also consulted with the City's lobbyist to prioritize the projects and determine which have the highest probability of successfully complying with the Federal funding parameters.

#### National League of Cities (NLC) Legislative and Advocacy Agenda

Staff provided a summary of the following NLC issues that are detailed in the Council Report:

- Transportation – *Enact a transportation bill that protects policies important to cities and delivers the federal funding and policies necessary to improve highway and transit systems that are crucial investments in our nation's economy and homeland security.*
- Economic Development – *Support Municipal Economic Development through continued federal support of Community Development Block Grants and Section 8 Housing Vouchers and other housing programs.*
- Homeland Security – *Secure our homeland and our hometown security by providing the funding needed to equip and train our nation's first responders and by providing the spectrum and funding needed for public safety and emergency communications.*
- Protect Local Tax Authority and Revenue in Tax Reform – *Proposals to reform or simplify our nation's income tax laws must preserve those elements of the tax code that are essential to the economic health of cities and towns.*
- Preserve Local Government's Authority to Regulate and Tax Communication Services – *Pursue modernization of our nation's communication laws and regulations and the collection of communications' taxes in a manner that preserves state and local government's authority.*

Mayor Hawker stated that from a philosophical perspective, he would prefer a different Federal appropriation process. He further stated that the City should continue to aggressively pursue funding from all available sources until such time as changes to the funding methodology are implemented at the national level. He added that if Mesa did not apply for and receive funding, the dollars would be allocated to other communities.

Mayor Hawker noted that he was particularly proud of the City's agreement with the Salt River Pima-Maricopa Indian community regarding the Va Shly'ay Akimel project. He acknowledged the support of the Council, and he also expressed appreciation to the City's Congressional lobbyist for recommending effective funding alternatives.

Councilmember Rawles noted that certain issues required separate votes. He declared a potential conflict of interest relative to Va Shly'ay Akimel, and stated that he would refrain from discussion/participation on that agenda item.

In response to questions from Councilmember Rawles regarding the appropriations for Public Safety Communications, the Brownfield Study and the Intelligent Transportation System, Mr. Huling advised that these projects are not identified as line items in the President's budget. He added that lump sum amounts for discretionary funding are contained in the budget, and he confirmed that the City would compete for these discretionary funds.

Councilmember Rawles expressed the opinion that the Council should encourage Congress to be fiscally responsible, and he added that the City of Mesa should continue to pursue the funding that is available.

In response to questions from Councilmember Thom, Environmental Programs Specialist Scott Bouchie explained that the Brownfield Study addresses vacant or under-utilized properties that have a real or perceived environmental contamination. He advised that funds would be used to prepare environmental site assessments in two phases: Phase 1 would investigate the history of a property such as identifying the presence of gasoline storage tanks; and Phase 2 would include actual soil sampling to determine if contamination has occurred. Mr. Bouchie stated that the study would encourage urban economic development by determining that no environmental issues were present. He added that if an environmental problem is discovered, funds are available to address the issue. Mr. Bouchie confirmed that written permission of the property owner is required in order to implement a study.

Community Revitalization Director Kit Kelly responded to Councilmember Thom's question by advising that the original funding utilized to acquire the East Valley Men's Center was CDBG funding allocated by the Cities of Mesa, Scottsdale, and Tempe, and that the City of Chandler provided CDBG funding for the septic system. Ms. Kelly added that CDBG funds are not utilized to operate the facility.

Vice Mayor Walters stated that she concurred with many of Councilmember Rawles' comments regarding Federal spending. She noted that her concern addresses the fact that local programs have accountability standards that do not exist for funds directed to the war effort. Vice Mayor Walters added that CDBG funding was implemented under the Nixon and Ford administrations, and that the program has provided many positive benefits to the community. She expressed the opinion that Federal reporting requirements and accountability standards should be consistent for all government programs.

It was moved by Vice Mayor Walters, seconded by Councilmember Whalen, that staff's funding recommendation relative to the Va Shly'ay Akimel project be approved.

Councilmember Whalen also expressed concern regarding the government's lack of accountability for funds directed to the war effort. He stated that this country is in disrepair and infrastructure is crumbling, and he noted that funds are not available to address these issues. Councilmember Whalen also expressed the opinion that the City of Mesa should issue a strong statement to the administration regarding the serious problems resulting from border and immigration policies. He added that cuts in funding to maintain Federal prisoners would result in an additional financial burden on the State of Arizona. Councilmember Whalen stated the

opinion that the City should address these issues at the Federal level, and added that he did not consider Va Shly'al Akimel to be a priority issue when compared to the border problems.

Mayor Hawker clarified that the issues presented by staff are not ranked by priority.

Councilmember Rawles suggested that the Council devote a future Study Session to the discussion of national policy issues that impact the City of Mesa such as immigration and CDBG funding. He noted that the discussion could result in a resolution to Congress that addresses the City's concerns.

Councilmember Griswold stated that other regions of the country do not understand Arizona's border problems. He also noted that Arizona's school dropout rate is impacted by a significant number of students who leave the country without providing a forwarding address. Councilmember Griswold expressed the opinion that Arizona has a good education system, but he noted that the system is perceived to be less than adequate as a result of the dropout rate.

Addressing the Va Shly'ay Akimel restoration project, Councilmember Thom advised that statements made by representatives of the Army Corps of Engineers indicated that the project is not compatible with mining operations. She stated the opinion that restoration should be accomplished utilizing private funds rather than Federal dollars, and she expressed concern that the Indian community would be adversely affected by this project.

Mayor Hawker stated the opinion that the local economy would not be negatively impacted by the restoration project, and he noted that the Indian community made a decision as a sovereign nation to participate in the project. He added that the project would provide many benefits to both Mesa and the Indian community.

Councilmember Griswold noted the success of the San Antonio river restoration project. He expressed the opinions that gravel pits are no longer appropriate near residential areas, and that the Indian community is capable of making their own decisions regarding projects that are in their best interest. He added that the Indian community is the driving force behind the project, and that the City of Mesa is a partner in the effort.

In response to a question from Councilmember Jones, Mr. Huling advised that "92 cents out of every dollar" returned to the State by the Federal government refers only to Transportation-related tax dollars.

Mayor Hawker concurred with Councilmember Rawles' suggestion that a future Council Study Session address national economic policies and other difficult issues that impact the City.

Councilmember Whalen stated that an April 5<sup>th</sup> Town Hall Meeting, co-hosted by his district (District 2) and that of Councilmember Jones (District 4), would address important issues facing the community. He noted that Channel 5 plans to televise the event. Councilmember Whalen suggested that the Council's recommendations to the elected officials in Washington, D.C., include the results of the Town Hall Meeting.

Discussion ensued relative to the fact that the policy recommendations should be considered as a "working document," and that a Council decision on the subject issues should not be delayed.

Mayor Hawker called for the vote on the motion regarding the Va Shly'ay Akimel project.

Upon tabulation of votes, it showed:

AYES - Griswold-Hawker-Jones-Walters-Whalen  
NAYS - Thom  
ABSTAIN - Rawles

Mayor Hawker declared the motion carried by a majority of those voting.

It was moved by Councilmember Rawles, seconded by Councilmember Whalen, that the staff's funding recommendations relative to Williams Gateway Airport, Public Safety Communications, the Brownfield Study and the Intelligent Transportation Systems be approved.

Carried unanimously.

It was moved by Vice Mayor Walters, seconded by Councilmember Griswold, that staff's recommendation regarding Transit Appropriations be approved.

Upon tabulation of votes, it showed:

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

Mayor Hawker declared the motion carried by majority vote.

In response to Councilmember Rawles' questions, Vice Mayor Walters explained that the NLC is requesting that the CDBG program be retained under the Department of Housing and Urban Development rather than shifting responsibility to the Department of Commerce. She also noted that a "full funding" recommendation addresses the entire program. Vice Mayor Walters explained that the City of Mesa would not be eligible to receive the same level of funding as in previous years due to the fact that additional cities are now eligible and competing for funds.

It was moved by Councilmember Rawles, seconded by Councilmember Jones, that the recommendation of staff be approved relative to supporting the NLC legislative priorities titled: Transportation, Homeland Security, Protect Local Tax Authority and Revenue in Tax Reform, and Preserve Local Government's Authority to Regulate and Tax Communications.

Carried unanimously.

It was moved by Vice Mayor Walters, seconded by Councilmember Whalen, that the recommendation of staff be approved relative to the NLC legislative priority titled Economic Development.

Upon tabulation of votes, it showed:

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

Mayor Hawker declared the motion carried by majority vote.

3. Hear a report, discuss and consider approving the final design and proceeding with fabrication of a City of Mesa flag.

Assistant to the City Manager Ellen Pence advised that staff was present to obtain Council approval to proceed with the final design of the City of Mesa flag. She noted some minor changes are being considered due to the fact that the colors of the winning design are not compatible with the City's logo. Ms. Pence stated that the North American Vexillological Association has been contacted relative to the design, and she advised that the cost to produce two standard 3' x 5' flags is estimated to be \$1,500.

Discussion ensued relative to the fact that the name of the City would not appear on the flag; that the artist should be involved in any change to the design; that the East Valley Tribune performed a public service by holding the contest; and that staff should proceed with proposed changes and cost estimates for Council approval at a future meeting.

4. Acknowledge receipt of minutes of boards and committees.

- a. Judiciary Advisory Board meeting held January 5, 2005.

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

Carried unanimously.

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

- Councilmember Griswold: Meeting with Arizona Republic staff regarding the Mesa section.  
Meeting with Mesa Community College Commission on Excellence regarding the Red Mountain campus.  
Joint Meeting of the Council and the Mesa School Board.  
Meeting with the Lehi Neighborhood regarding a trail proposal.  
Man and Woman of the Year Ceremony.
- Councilmember Whalen: Meeting regarding the site of a power line in southeast Mesa.
- Mayor Hawker: Transportation Policy Committee Meeting.
- Councilmember Thom: Toured the East Valley Men's Center.  
Toured the General Motors' property.  
Meeting with the Marine Corp League.
- Vice Mayor Walters: South Canal Spur Trail meeting.  
Arizona Tourism Unity Dinner.
- Councilmember Jones: Unveiling for the Light Rail Transit System.

6. Scheduling of meetings and general information.

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

Monday, February 22, 2005, 3:30 p.m. – Finance Committee

Monday, February 22, 2005, TBA – Study Session

Monday, February 22, 2005, 5:45 p.m. – Regular Council Meeting

Thursday, February 24, 2005, 7:30 a.m. – Study Session

Thursday, February 24, 2005, 9:30 a.m. – Transportation Committee

Thursday, March 3, 2005, 7:30 a.m. – Study Session

7. Prescheduled public opinion appearances.

There were no prescheduled public opinion appearances.

8. Items from citizens present.

There were no items from citizens present.

9. Adjournment.

Without objection, the Study Session adjourned at 9:16 a.m.

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KENO HAWKER, MAYOR

ATTEST:

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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 17<sup>th</sup> day of February 2005. I further certify that the meeting was duly called and held and that a quorum was present.

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BARBARA JONES, CITY CLERK

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