

COUNCIL MINUTES

January 23, 1998

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 January 23, 1998 at 7:30 a.m.

COUNCIL PRESENT

Pat Gilbert
John Giles
Dennis Kavanaugh
Joan Payne
Wayne Pomeroy
Claudia Walters

COUNCIL ABSENT

Mayor Wayne Brown

STAFF PRESENT

C.K. Luster
Pauline Backer
Wayne Balmer
Neal Beets
Denise Bleyle
Jerry Brouwer
Mike Claspell
Tanya Collins
Dennis Compton
Fred Conway
Linda Crocker
Bill Haney
Mike Hutchinson
Barbara Jones
Harry Kent
Karl Kolhoff
Ron Krosting
Jeff Martin
Chris Medrea
Frank Mizner
Keith Nath
Ruth Ann Norris
Ellen Pence

STAFF PRESENT (CONT.)

Bill Petrie
Darryl Pichoff
Bryan Raines
Andrea Rasizer
Tom Remes
Becky Richardson
Mindy White
Ralph Wisz
Others

OTHERS PRESENT

Bill Brando
Jim Davidson
Bev Hart
Jan Hibbard
Bill Jaffa
Jean Kennedy
Vern Payne
Mary Simmons
Tom Verploegen
Marilynn Wennerstrom
Others

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

Vice Mayor Gilbert excused Mayor Brown from the meeting.

1. Reconsideration of zoning cases tabled at the November 17, 1997 Council meeting.

Councilmember Giles stated that he supports the reconsideration of the zoning cases which were tabled at the November 17, 1998 Council meeting.

It was moved by Councilmember Giles, seconded by Councilmember Kavanaugh, that the zoning cases tabled at the November 17, 1997 Council meeting be reconsidered.

Upon tabulation of votes, it showed:

AYES - Gilbert-Giles-Kavanaugh-Pomeroy-Walters
NAYS -None
ABSENT - Brown-Payne

Vice Mayor Gilbert declared the motion carried unanimously by those present. (This item was discussed out of order and Councilmember Payne had left the meeting.)

2. Discuss and consider placing a proposition on the May General Election ballot which, if passed, would adopt certain housing code regulations. (As requested by Stephanie Wright at the January 20, 1998 Council Study Session.)

It was moved by Councilmember Walters, seconded by Councilmember Kavanaugh, that a proposition to adopt certain housing code regulations, subject to ratification by the voters, be placed on the ballot of the May 19, 1998 General Election.

Councilmember Kavanaugh spoke in support of the motion and stressed the importance of adopting housing code regulations for the City of Mesa.

Councilmember Giles recommended that the motion be amended and that a specific election date not be included at this time. Councilmember Giles stated the opinion that additional discussion should occur relative to the most opportune time for placement of the issue on an election ballot and added that placement on the November General Election ballot should be considered.

Councilmember Walters indicated a willingness to amend the motion and eliminate a date specific at this time. Councilmember Kavanaugh stated that he would support the motion amendment.

In response to a comment from City Attorney Neal Beets, Councilmember Walters stated that she would amend the motion to state that an ordinance relative to the adoption of a housing code be introduced at the February 2, 1998 Regular Council Meeting. Councilmember Walters added that discussion with all concerned parties relative to selecting a specific ballot date would occur prior to the February 17, 1998 Regular Council Meeting.

Vice Mayor Gilbert advised that he would support the motion and agreed with the importance of determining which election would ensure a higher probability of success.

Upon tabulation of votes, it showed:

AYES - Gilbert-Giles-Kavanaugh-Pomeroy-Walters
NAYS -None
ABSENT - Brown-Payne

Vice Mayor Gilbert declared the motion carried unanimously by those present. (This item was discussed out of order and Councilmember Payne had left the meeting.)

3. Discuss and consider placing a proposition on the May General Election ballot which, if passed, would adopt a "combination" Council district system.

Vice Mayor Gilbert stated that he had requested that this item be placed on the agenda for Council discussion and consideration. Vice Mayor Gilbert expressed the opinion that the citizens of Mesa should be provided an opportunity to consider the adoption of an alternate 'combination' Council district system and added that the proposed system would allow citizens to continue to elect at-large representatives.

Councilmember Walters expressed concerns relative to the adoption of a total district system. Councilmember Walters stated that she prefers the adoption of a mixed system, which would provide citizens an opportunity to vote for a majority of the members on the Council. Councilmember Walters added that the City should be viewed as a whole rather than separate districts and said that studies have proven that it is not less expensive to run for office in a pure district election versus an at-large or combination district election.

Councilmember Kavanaugh stated concern with the time frame in which the issue of an alternative districting system proposal is appearing on an agenda and pointed out that several months ago a majority of the Council voted not to pursue a recommendation from the Mayor's Ad Hoc Committee to Review Elections Procedures to pursue the establishment of a districting system.

Councilmember Kavanaugh expressed the opinion that the placement of a competing issue on the ballot following the qualification of a citizens' initiative to vote on the establishment of a 'pure' districting system, will increase government distrust and negatively impact the credibility and viability of the Council as a whole. Councilmember Kavanaugh stated that legitimate arguments exist for establishing both a 'pure' and a 'combination' district system of representation but emphasized that the previous placement of a competing issue on the ballot of the 1992 election was inappropriate and should not reoccur. Councilmember Kavanaugh added that the addition of the proposed 'combination' district system would result in confusion and should not be approved by the Council.

Councilmember Pomeroy indicated a preference for providing voters with a choice and stated that although he has consistently opposed the implementation of a districting system in the past, he would support a 'combination' district system over a 'pure' district system in the City of Mesa.

Councilmember Payne concurred with Councilmember Kavanaugh's remarks and spoke in strong opposition to the placement of an additional districting system proposal on the ballot of the 1998 Primary Election. Councilmember Payne commented on the fact that a citizens' initiative to place the adoption of a pure district system on the ballot was successfully and legally filed with the City of Mesa and should be honored by the Council. Councilmember Payne added the opinion that a competing districting proposal would confuse voters, result in the defeat of the citizens' initiative and constitute a circumvention of the initiative process.

Councilmember Giles responded to Councilmember Payne's remarks and stated the opinion that it is incumbent upon the Council to provide citizens with choices. Councilmember Giles spoke in opposition to the implementation of a 'pure' districting system of representation and added that he supports the placement of the alternative system on the ballot.

(Councilmember Payne left the meeting at 7:58 a.m.)

Vice Mayor Gilbert stated the opinion that although Councilmember Kavanaugh has raised several valid points, the citizens of Mesa should be provided an opportunity to select their preferred type of districting system. Vice Mayor Gilbert emphasized the importance of diversity among the members

of the Council and expressed the opinion that a 'pure' district system may not allow as much diversity as a 'combination' system. Vice Mayor Gilbert advised that he would not support a 'pure' district system but may support a 'combination' system if provided an opportunity to do so.

It was moved by Councilmember Pomeroy, seconded by Councilmember Giles, that a proposition calling for the establishment of a 'combination' Council district system be placed on the ballot of the March 10, 1998 Primary Election.

In response to a question from Councilmember Kavanaugh, City Attorney Neal Beets commented that should the Council approve the motion, an ordinance would be introduced at the February 2, 1998 Regular Council Meeting for the purpose of conducting a public hearing and adoption of the ordinance at the February 17, 1998 Regular Council Meeting. Mr. Beets emphasized that enactment would be subject to voter approval.

Upon tabulation of votes, it showed:

AYES - Gilbert-Giles-Pomeroy-Walters

NAYS - Kavanaugh

ABSENT - Brown-Payne

Vice Mayor Gilbert declared the motion carried by majority vote of those present. (This agenda item was discussed out of order and Councilmember Payne had left the meeting.)

4. Acknowledge receipt of minutes of meetings of various boards and committees.

a. Utility Committee meeting held December 19, 1997.

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

Vice Mayor Gilbert declared the motion carried unanimously by those present.

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

Vice Mayor Gilbert advised that there were no reports on meetings and/or conferences attended.

6. Scheduling of meetings and general information.

City Manager Charles Luster advised that the meeting schedule is as follows:

Tuesday, January 27, 1998, 7:30 a.m. - Meeting with the Board of Directors of the Dobson Ranch Homeowner's Association

Friday, January 30, 1998, 7:30 a.m. - Council Study Session

Friday, January 30, 1998 - Police Committee Meeting immediately following the Council Study Session

Monday, February 2, 1998, 5:45 p.m. - Regular Council Meeting

Thursday, February 12, 1998, 4:00 p.m. - Policy Session (rescheduled from February 5, 1998)

Monday, February 23, 1998, 7:00 p.m. - Transportation Committee Meeting, Rhodes Jr. High School

7. Prescheduled public opinion appearances (maximum of three speakers for five minutes per speaker).

Vice Mayor Gilbert advised that there were no prescheduled public opinion appearances.

(Vice Mayor Gilbert excused Councilmember Giles from the meeting at 8:16 a.m.)

8. Items from citizens present (maximum of three speakers for five minutes per speaker).

Bill Brando, 61 South Macdonald, informed the Council that he served as a member of the Mayor's Ad Hoc Committee to Review Election Procedures and added that a majority of the Committee recommended to the Council that they pursue a district, rather than at-large, system of representation for Mesa. Mr. Brando said that the Council chose not to abide by the recommendation of that Committee and expressed the opinion that the introduction of an additional form of districting system at this time is inappropriate and should not be approved.

Marilynn Wennerstrom, 1112 North Center, stated the opinion that in accordance with the City Charter, the Council is limited to discussion only relative to the placement of an additional district system proposal on the ballot. Ms. Wennerstrom stated that the members of the Council are required to cast their votes at a Regular Council Meeting rather than a Study Session and emphasized the importance of abiding by all City Charter requirements.

Vice Mayor Gilbert thanked the speakers for their input.

9. Adjournment.

It was moved by Councilmember Kavanaugh, seconded by Councilmember Pomeroy, that the Study Session adjourn at 8:26 a.m.

PAT GILBERT, VICE 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 23rd day of January 1998. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this _____ day of _____ 1998

BARBARA JONES, CITY CLERK