

# COUNCIL MINUTES

February 11, 1999

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 11, 1999 at 8:01 a.m.

## COUNCIL PRESENT

Mayor Wayne Brown  
Jim Davidson  
John Giles  
Keno Hawker  
Bill Jaffa  
Dennis Kavanaugh  
Pat Pomeroy

## COUNCIL ABSENT

None

## STAFF PRESENT

C.K. Luster  
Kevin Adams  
Tom Albright  
Joan Baier  
Neal Beets  
Denise Bleyle  
Jamie Brennen  
Dennis Compton  
Linda Crocker  
Jack Friedline  
John Gendron  
Joe Holmwood  
Mike Hutchinson  
Barbara Jones  
Kari Kent  
Karen Kille  
Wayne Korinek  
Dorinda Larsen  
Rich Lorig  
Greg Marek  
Jeff Martin  
Jennifer Means  
Frank Mizner  
Patrick Murphy  
Keith Nath  
Ellen Pence  
Bill Petrie  
David Plumb

## STAFF PRESENT (CONT.)

Bryan Raines  
Andrea Rasizer  
Tom Remes  
Becky Richardson  
Regan Robbins  
Sharon Seekins  
Gordon Sheffield  
Jenny Sheppard  
Jan Strauss  
Doug Tessendorf  
Mindy White  
Mary Beth Wiebusch  
Others

## OTHERS PRESENT

Bill Brando  
Lulu Brandofino  
Robert Brinton  
Web Crockett  
Charlie Deaton  
Jan Hibbard  
Leo Mahoney  
David Molina  
Robbie Sherwood  
Marty Whalen  
Others

### 1. Review items on the agenda for the February 16, 1999 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:

### 4. Consider the following contracts:

- b. Two year supply contracts for asphalt materials and crack sealant as requested by the Transportation Division.
- \*d. Mesa Cemetery Road Improvements. City of Mesa Project No. 99-36.
- \*e. Gilbert Road Widening, Southern Avenue to main Street

Councilmember Hawker indicated that he had potential conflicts of interest in connection with items 4 b, d and e listed above which he wanted reflected in the minutes of the meeting and because of such conflicts, he would refrain from discussing and/or participating in any manner in connection with same.

Mayor Brown stated that agenda items 4 d and e will be removed from the Consent Agenda and commented that staff will highlight a brief presentation on the road widening project at the Regular Council Meeting.

5. Consider the following resolutions:

- \*b. Authorizing the City Manager to execute a revised agreement between the Maricopa County Department of Transportation and the City of Mesa for roadway improvements to Recker Road from Adobe Road to Evergreen Street.
- \*c. Authorizing the City Manager to execute an amendment to an agreement between the Maricopa County Department of Transportation and the City of Mesa for improvements to Ray Road from Power Road to Sossaman Road.

Councilmember Hawker indicated that he had potential conflicts of interest in connection with items 5 b and c listed above which he wanted reflected in the minutes of the meeting and because of such conflicts, he would refrain from discussing and/or participating in any manner in connection with same.

Mayor Brown advised that agenda items 5 b and c will be removed from the Consent Agenda.

- \*d. Authorizing the City Manager to sign a Memorandum of Understanding concerning the Rio Salado Multipurpose Crossing project.

In response to a request from Vice Mayor Giles, Mayor Brown stated that agenda item 5d will be removed from the Consent Agenda.

7. Consider the following cases from the Planing and Zoning Board and possible adoption of the corresponding ordinances:

- b. Z98-113 201 North Hobson. Rezone from R1-6 and R-2 to R1-6-PAD.

In response to a question from Councilmember Pomeroy, Planning Director Frank Mizner reported that the applicant has agreed to construct a fence on the north side of the property. Mr. Mizner added that although a legal protest remains on this case, the applicant is anticipating that the protest will be removed.

- k. Z99-9 The NWC of Higley Road and Hampton Avenue.

Mr. Mizner stated the opinion that the applicant and his attorney Mr. Steve Earl should be commended for their efforts to address residents' concerns and arrive at a mutually acceptable agreement. Mr. Mizner said that the applicant has agreed to prohibit construction traffic access off of Southern Avenue and added that multi-colored paving materials will be placed at the entrance to the development.

1.1 Discuss and consider adding items to the ballot for the May 18, 1999 Special Election.

Mayor Brown commented on the importance of soliciting citizen input relative to this issue and said that he has invited the proponents of the two initiatives that have been filed to attend the meeting and present their views.

Jan Hibbard and David Molina, the proponents of initiatives to eliminate taxes on food and rental units in Mesa, addressed the Council regarding this agenda item. Bill Brando, a citizen who supports the placement of both issues on the ballot, also addressed the Council and provided input.

Ms. Hibbard, speaking as the Chairman of the Citizens to Abolish the Rental Tax Committee, requested that the Council allow both initiatives to be placed on the ballot for the voters to decide. Ms. Hibbard noted that the initiatives each contained over 5200 signatures, were filed in a timely manner and were validated for placement on the ballot. Ms. Hibbard stated the opinion that citizens should be provided an opportunity to vote on the two initiatives in addition to voting on the Rio Salado Crossing Project issue.

Mr. Brando expressed the opinion that taxes on food and shelter could be eliminated without causing hardship to the City of Mesa. Mr. Brando commented that based on the fact that the initiatives have met all legal requirements for placement on the ballot, the Council should vote to support the placement of these measures on the ballot of the May 18, 1999 election.

Mr. Molina, speaking as the Chairman of the Tax Relief in Mesa Committee, stated the opinion that although the City of Mesa may have the legal authority to determine whether the initiatives will be placed on the ballot of the upcoming election, a moral obligation also exists to place the measures on the upcoming ballot and allow the citizens of Mesa to vote on the two issues. Mr. Molina commented on the fact that senior citizens on fixed incomes are experiencing financial hardships and urged the Council to provide relief to this important facet of our community.

Mayor Brown thanked Ms. Hibbard, Mr. Molina and Mr. Brando for their input.

Councilmember Hawker advised that he supports the placement of both measures on the ballot of the May 18, 1999 election. Councilmember Hawker said that because of the costs associated with calling an election, he would typically vote to place the measures on the ballot of a regularly scheduled election but explained that in view of the fact that an election has already been called for another issue, he supports proceeding with the placement of the initiatives on the same ballot.

Councilmember Hawker stated the opinion that the initiatives, if approved, will financially impact the financing of the Rio Salado Crossing Project and stressed the importance of determining the outcome of the initiatives and whether alternative funding sources will be required.

Councilmember Davidson commented that a limited amount of time exists between the May 18th election and the City's regularly scheduled Primary Election in March of 2000 and expressed the opinion that the minor delay would not create a burden. Councilmember Davidson added that in his opinion the initiatives and the Rio Salado Crossing issue should be voted on separately and said that he supports delaying the placement of the two citizen initiatives on a ballot until the March 2000 regularly scheduled election.

Mayor Brown noted that the Rio Salado Crossing Project has been a topic of discussion for the past four and a half years while discussion regarding the two initiatives and their effects on the City has been minimal. Mayor Brown stressed the importance of identifying potential impacts of the two initiatives and suggested that the proponents meet with the City's budget staff and provide input relative to methods of compensating for the anticipated loss in revenues.

Mayor Brown commented that the Council also voted to place a Housing Code on the ballot of a City election and said that the proponents of that initiative have not contacted the Council regarding placing the measure on the May 18th ballot. Mayor Brown expressed the opinion that all three initiatives should be on the ballot together at the March 2000 election.

Councilmember Pomeroy emphasized the importance of ensuring that the Council's action is not viewed by the citizens as an attempt to block the initiatives and said that for this reason he will vote in support of placing the measures on the ballot of the May 18, 1999 election. Councilmember Pomeroy added that significant effort should be expended to inform the public that food and rental tax dollars are used to provide needed services and their elimination will negatively impact the City of Mesa and its citizens.

In response to a question from Councilmember Jaffa, Assistant City Manager Mike Hutchinson estimated that the proposed quarter cent sales tax increase will amount to approximately \$50 per person a year.

Councilmember Jaffa expressed the opinion that an estimated \$50 per resident per year would not present a significant hardship and concurred with Mayor Brown's comments regarding the fact that the two initiatives should be the subject of analysis and in-depth discussions prior to consideration. Councilmember Jaffa stated that the elimination of the tax dollars would result in a decrease in City services and said that he cannot vote in support of placing this issue on the May 18th ballot.

Vice Mayor Giles stated the opinion that the Council's most significant asset is their credibility with citizens and said that despite the fact that he opposes both measures, he will vote to allow both initiatives to appear on the ballot of the May 18th election. Vice Mayor Giles added that the taxes on food and rentals do not constitute a hardship for senior citizens on fixed incomes and said that services are available to assist those in need. Vice Mayor Giles said that by voting for the previous quality of life tax, citizens indicated support for improving the quality of life in Mesa.

Councilmember Kavanaugh expressed the opinion that all issues that are placed on the ballot for consideration by the voters should be the subject of frank and fair discussion among those who pay the taxes and receive the services. Councilmember Kavanaugh noted that a majority of winter visitors would be impacted by the proposed rental tax and stressed the importance of allowing this issue to appear on a ballot of a regularly scheduled election in March when a larger number of winter visitors are present. Councilmember Kavanaugh stated the opinion that the placement of the two measures on the ballot with the Rio Salado Crossing issue has the potential of creating confusion and agreed that the initiatives should appear on the same ballot as the Housing Code.

Mayor Brown encouraged the proponents of the initiatives to respond to the Councils' comments.

Mr. Molina stated that should the Council delay the placement of these issues on the ballot until the 2000 election and the Rio Salado Crossing issue passes, the City will be faced with significant funding shortages. Mr. Molina urged the Council to allow the measures to be voted upon at the upcoming May 18th election.

Ms. Hibbard noted that Mesa citizens signed their names on the petitions in anticipation of voting on the issues at the May 18th election and stated the opinion that a large number of those citizens are supportive of the Rio Salado Crossing project. Ms. Hibbard disagreed with Councilmember Kavanaugh's remarks

regarding the effect of the rental tax on winter visitors and requested that the Council vote in support of allowing the initiatives to be placed on the ballot of the May 18th election.

Mr. Brando stressed the importance of abiding by the democratic process and stated the opinion that the two initiatives and the Rio Salado Project issue should be placed on the same ballot. Mr. Brando urged the Council not to deny the citizens an opportunity to vote on the initiatives.

Mayor Brown thanked the speakers for their input.

Councilmember Davidson clarified that should the Council vote to deny the proponents' request, both initiatives will appear on the ballot of the next regularly scheduled election in March 2000 and emphasized that citizens will not be denied an opportunity to vote on the initiatives. Councilmember Davidson expressed the opinion that the minor delay will provide sufficient time to solicit input and discuss this important issue.

Mr. Molina stated the opinion that sufficient time exists between now and the May 18th election to discuss and receive input on the two initiatives.

It was moved by Councilmember Hawker that this issue be placed on the agenda of a Regular Council Meeting for consideration and action and that ballot language be submitted for approval to place the initiatives on the ballot of the May 18, 1999 election.

Mayor Brown stated that the motion dies for lack of a second.

It was moved by Councilmember Kavanaugh, seconded by Councilmember Davidson, that the Council acknowledge the information received from the City Clerk regarding the fact that the two initiatives have qualified for placement on a ballot and that both measures be placed on the ballot of the next City of Mesa General Election in March 2000.

Councilmember Pomeroy clarified that the March 2000 election will be a Primary Election rather than a General Election as stated in the motion.

It was moved by Councilmember Kavanaugh, seconded by Councilmember Davidson, that the motion be amended to reflect that both measures be placed on the ballot of the next regularly scheduled City election which will be the Primary Election in March 2000.

Councilmember Hawker stated that he will vote in opposition to the motion based on the fact that he would prefer that the measures be placed on the ballot of the May 18, 1999 ballot.

Vice Mayor Giles concurred with Councilmember Hawker's remarks.

Upon tabulation of votes, it showed:

AYES - Brown-Davidson-Jaffa-Kavanaugh

NAYS - Giles-Hawker-Pomeroy

Mayor Brown declared the motion carried by majority vote.

2. Further discussion and consideration concerning a proposed compromise agreement regarding the residential density for County Zoning Case Z98-53 located at the northeast corner of Warner and Mountain Road.

Mayor Brown presented brief background information relative to this case and discussed efforts to arrive at a mutually acceptable compromise regarding density levels. Mayor Brown noted that originally the owner of the property had indicated that he would develop 3 ½ units per acre and said that following negotiation efforts, the owner has stated his willingness to limit development to 2.4 units per acre.

Webb Crockett, representing General Motors Proving Grounds, which is located in the vicinity under discussion, stated the opinion that the Council's decision on this case will set a precedent and should be very carefully considered. Mr. Crockett stressed the importance of avoiding residential development in the area of the Proving Grounds and Williams Gateway Airport and added that higher density residential development will result in citizen complaints regarding overflights.

In response to a question from Mayor Brown, Mr. Crockett advised that General Motors would prefer that the City of Mesa not compromise on this case and insist that the Maricopa County Board of Supervisors allow the density level indicated on Mesa's General Plan, which is one unit per acre, to remain in effect for that parcel of land.

Councilmember Jaffa noted that the General Plan calls for a density level of zero to one unit per acre and stressed the importance of ensuring that the determined density level, which was approved by the City Council, remain in effect.

Vice Mayor Giles expressed the opinion that residential development is inappropriate in the area of airports and industrial uses. Vice Mayor Giles indicated that he concurs that the density level should be reduced but expressed concern relative to the possibility that should the Council reject the compromise density offer, the County may allow the property owner to develop at a higher density level.

Mayor Brown advised that the County's position is that the General Plan was altered and did not originally reflect the zoning that the City of Mesa is testifying should be upheld.

Discussion ensued among the members of the Council relative to the importance of limiting residential development in this vicinity and the fact that the City of Mesa requires that septic systems to be built on lots that are a minimum of one acre in size.

It was moved by Vice Mayor Giles, seconded by Councilmember Jaffa, that the Council reject the compromise offer of 2.4 units per acre and that the Maricopa County Board of Supervisors be requested to uphold the existing density level of zero to one unit per acre as reflected in the City of Mesa's General Plan.

Carried unanimously.

3. Discuss and consider potential annexation across County lines.

Planning Director Frank Mizner addressed the Council relative to this agenda item and reported that the City of Mesa is presently landlocked and that an opportunity exists to annex approximately two miles into Pinal County. Mr. Mizner informed the Council that the City of Apache Junction has annexed south to Elliot Road and that their General Plan reflects future expansion to Ray or possibly Williams Field Road. Mr. Mizner advised that the Town of Queen Creek's General Plan extends northward to Germann. Mr. Mizner referred to maps distributed to the Council and briefly highlighted a list of positive and negative impacts of the proposal to expand the City's boundaries east into Pinal County.

Discussion ensued relative to the fact that surrounding communities have expressed concern regarding Mesa's interest in possibly annexing into the County, the fact that should the City decide to pursue annexation efforts, discussions with the neighboring City of Apache Junction, Town of Queen Creek, Pinal County and the State

would have to occur, and the fact that all of the land located east of Meridian is State trust land and that unless the State Land Department agrees to allow the land to be annexed, the proposed expansion would not occur.

Mayor Brown recommended that staff consider the feasibility of entering into an Intergovernmental Agreement (IGA) with the above listed entities regarding future plans for the parcel of land. Mayor Brown added that the land is in an industrial area and should not be the site of residential development in the future.

Councilmember Jaffa concurred with Mayor Brown's recommendation that the possibility of entering into an IGA be explored.

Councilmember Pomeroy also spoke in support of the Mayor's comments regarding the importance of pursuing this matter and added that the Economic Development Advisory Board should be involved in the process as well and provide recommendations to the Council.

Discussion ensued regarding the feasibility of working with other counties to ensure that a transition exists between borders and the importance of protecting the area to ensure compatibility with surrounding uses.

It was moved by Councilmember Kavanaugh, seconded by Vice Mayor Giles, that staff be directed to proceed with discussions regarding the possibility of entering into an IGA with surrounding communities and to pursue potential annexation across County lines as outlined by staff.

Carried unanimously.

Mayor Brown thanked Mr. Mizner for his presentation.

4. Discuss and consider proposed changes to the sign ordinance for Town Center.

Senior Redevelopment Specialist Patrick Murphy addressed the Council regarding this agenda item. Mr. Murphy stated that in response to Council direction, staff has prepared an update to the City of Mesa's Town Center Sign Ordinance. Mr. Murphy stated that efforts were expended to simplify the ordinance and implement the recommendations of the Connections Report, the Vision Plan, the Downtown Development Committee (DDC) and citizen input solicited at various meetings that were held for this purpose. Mr. Murphy emphasized that the primary purpose of the project is to provide an encouraging environment for investment in the redevelopment area.

Discussion ensued relative to the development of a Project Team and the participating members, meetings, open houses and periodic updates that occurred relative to the project, the fact that the DDC voted at their November 19, 1998 meeting to recommend to the Council that the proposed changes to the Sign Ordinance be approved, the proposed changes to the Ordinance and the fact that at the January 7, 1999 General Development Committee (GDC) meeting the members directed staff to initiate steps to present the proposed revisions to the full City Council for their consideration and action.

Councilmember Kavanaugh commended staff on their efforts and stated that he supports the proposed changes to the Sign Ordinance as outlined by staff.

It was moved by Councilmember Kavanaugh, seconded by Councilmember Pomeroy, that staff be directed to place this item on the agenda of the March 1, 1999 Regular Council Meeting for introduction.

In response to a question from Councilmember Hawker, City Attorney Neal Beets expressed the opinion that since the revised Sign Ordinance would apply to every business owner in the Town Center on an equal basis, potential conflicts of interest do not exist for those members of the Council who own property in that area.

Carried unanimously.

4. Discuss and consider a request for approval to implement an "all plastic bottles" program within the Blue Barrel Recycling program.

Recycling and Special Projects Coordinator Jennifer Means and Recycling Specialist Mary Beth Wiebusch addressed the Council relative to this agenda item. Ms. Means briefly highlighted the contents of a Council Report regarding the implementation of an "all plastic bottles" program within the current Blue Barrel Recycling Program and stated the opinion that the proposal will reduce resident confusion pertaining to plastic recycling and assist in controlling contamination.

Ms. Means outlined the proposed program and noted that municipalities that have implemented the "all plastic bottles" program across the country have reported an increase in plastic recovery rates. Ms. Means noted that the program will change the current process and include all plastic bottles, regardless of number designation, except containers of motor oil and hazardous or toxic wastes.

Discussion ensued relative to the overall benefits of the program, proposed marketing efforts, the fact that the American Plastics Council (APC) has committed to contribute \$42,000 towards the implementation of this program, and the fact that the current Solid Waste budget contains sufficient funding to cover the City's portion of the program, which amounts to approximately \$27,000.

It was moved by Councilmember Pomeroy, seconded by Vice Mayor Giles, that the recommendations of staff be approved.

Carried unanimously.

6. Appointments to boards and committees.

Mayor Brown recommended the following appointment:

GREATER PHOENIX ECONOMIC COUNCIL

Jack Sellers – To serve as ex-officio replacing Mayor Brown

It was moved by Councilmember Pomeroy, seconded by Councilmember Hawker, that the Council concur with the Mayor's recommendation and the appointment be confirmed.

Carried unanimously.

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

- a. Downtown Development Committee meeting held January 21, 1999.
- b. Economic Development Board meeting held January 28, 1999.
- c. Industrial Development Authority Board meeting held January 28, 1999.
- d. Library Advisory Board meeting held February 2, 1999.

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

Carried unanimously.

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

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

9. Scheduling of meetings and general information.

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

Mr. Luster advised that due to time constraints, the Utility Committee Meeting that was scheduled to occur following this Study Session will take place on Tuesday, February 16, 1999 prior to the Council Study Session.

Tuesday, February 16, 1999, 5:45 p.m. – Regular Council Meeting

Thursday, February 18, 1999, 8:00 a.m. – Council Study Session

Tuesday, May 18, 1999, 8:00 a.m. – 11:30 a.m. – Senior Officials Workshop on Nuclear, Biological and Chemical Occurrences

Councilmember Davidson announced that the Mesa Leadership, Training and Development has invited the Council to attend their recruitment day which will be held in March.

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

Mayor Brown advised that there were no prescheduled public opinion appearances.

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

Mayor Brown advised that there were no items from citizens present at this time.

12. Adjournment.

Without objection, the Study Session adjourned at 10:07 a.m.

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WAYNE BROWN, 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 11th day of February 1999. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this \_\_\_\_ day of \_\_\_\_\_ 1999

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BARBARA JONES, CITY CLERK