

COUNCIL MINUTES

October 14, 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 October 14, 1999 at 7:30 a.m.

COUNCIL PRESENT

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

Giles

COUNCIL ABSENT

None

STAFF PRESENT

C.K. Luster
Kevin Adam
Don Ayers
Joan Baier
Wayne Balmer
Neal Beets
Denise Bleyle
Jamie Brennen
Candace Cannistraro
Dennis Compton
Mark Coon
Linda Crocker
Jerry Dillahey
Tony Feliz
Jack Friedline
John Geier
Penny Griffin
Joe Holmwood
Mike Hutchinson
Barbara Jones
Wayne Korinek
Dorinda Larsen
Rich Lorig
Greg Marek
Tom Mattingly

STAFF PRESENT (CONT.)

Keith Nath
Ruth Anne Norris
Kelly O'Neill
Joe Padilla
Ellen Pence
Bryan Raines
Andrea Rasizer
Tom Remes
Becky Richardson
Jenny Sheppard
Jan Strauss
Kim West
Mike Whalen
Mindy White
Paul Wilson
Mark Woodward
Larry Woolf
Others

OTHERS PRESENT

Gary Halloway
Barrett Marson
Tom Verploegan
Others

Mayor Brown excused Councilmember Jaffa from the beginning of the meeting. Councilmember Jaffa joined the meeting at 7:41 a.m.

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 agenda items:

4. Consider the following contracts:

- *b. Two-year supply contract for automotive/truck parts as requested by Fleet Support Services Division.

The Purchasing Division recommends accepting the low bid by Art Landscaping, Inc. at \$155,643.00 based on estimated requirements.

In response to a question from Councilmember Davidson, Senior Buyer Joan Baier advised that the requested information will be pursued and presented to Councilmember Davidson prior to his consideration of this item at the Regular Council Meeting.

- *d. 73 Replacement CNG-Powered Patrol Sedans for the Police Department.

The Purchasing Division recommends authorizing purchase from the State of Arizona contract with Mel Clayton Ford for \$2,000,638.00

Councilmember Pomeroy commented on the fact that this item represents a significant amount of money and requested that it be removed from the Consent Agenda for further discussion and consideration.

Mayor Brown stated that this item will be removed from the Consent Agenda.

- *h. Gas and Water System Replacement of Fraser Drive, City of Mesa Project No. 97-87.

This project consists of replacing the gas and water mains along Fraser Drive between University Drive and Main Street.

Recommend award to low bidder, Mastec North America, Inc., in the amount of \$441,560.00.

Councilmember Hawker indicated that he had a potential conflict of interest in connection with agenda item 4*h, which he wanted recorded in the minutes of the meeting, and because of such conflict of interest, he would refrain from voting upon or otherwise participating in any manner in connection with same.

Mayor Brown stated that this item will be removed from the Consent Agenda.

6. Consider the following resolutions:

- *c. Authorizing the sale of \$38,500,000 of General Obligation Bonds, Series 1999, ordering sale under an accelerated bidding process and authorizing award of the Bonds to be made at the lowest net interest cost to the City of Mesa; and declaring an emergency, as recommended by the Finance Committee.

- *d. Authorizing the sale of \$7,900,000 of Street and Highway Revenue Bonds, Series 1999, ordering sale under an accelerated bidding process and authorizing award of the Bonds to be made at the lowest net interest cost to the City of Mesa; and declaring an emergency, as recommended by the Finance Committee.

Assistant City Manager Mike Hutchinson responded to questions from Councilmember Pomeroy pertaining to the emergency clauses included in the above listed agenda items. Mr. Hutchinson stated that interest rates may rise and recommended that the City proceed without further delay.

7. Consider the following ordinances:

- *b. **A98-5** The south side of East McDowell Road from North Waterbury Road east to North 90th Street. **CONTINUED FROM THE SEPTEMBER 21, 1999 CITY COUNCIL MEETING.**

In response to a request from Councilmember Davidson, Mayor Brown stated that this item will be removed from the Consent Agenda.

- *c. Annexing the following Maricopa County street rights-of-way:
 1. **A98-10** Maricopa County right-of-way for Sossaman Road between Elliot and Guadalupe Roads.
 2. **A98-11** Maricopa County right-of-way for Hawes Road between Elliot and Guadalupe Roads.
 3. **A98-12** Maricopa County right-of-way for Crismon Road from Elliot Road to Guadalupe Road and Guadalupe Road between Hawes and Signal Butte Roads.
 4. **A98-13** Maricopa County right-of-way for Signal Butte Road from Baseline to Elliot Roads.

Community Development Manager Wayne Balmer responded to questions from Councilmember Davidson relative to this agenda item and explained that the City of Mesa previously entered into an Intergovernmental Agreement with Maricopa County which said that once the County improved the above listed roads, the City of Mesa would annex and maintain the roads.

8. Consider the following recommendation from the Police Committee:

- a. Awarding Diversified Towing, Inc., dba Cactus Towing, an extension of the existing contract for accident recovery towing service as recommended by the Police Committee.

In response to a comment from Councilmember Davidson, Councilmember Hawker requested that this item remain off the Consent Agenda.

2. Consider acceptance of the Annual Financial Report as recommended by the Finance Committee.

It was moved by Vice Mayor Giles, seconded by Councilmember Kavanaugh, that the Annual Financial Report be accepted as recommended by the Finance Committee.

Carried unanimously.

3. Discuss and consider the Finance Committee recommendation to place Alternative Expenditure Limitation (Home Rule) item on the March 2000 election ballot.

Vice Mayor Giles spoke in support of placing an Alternative Expenditure Limitation (Home Rule) item on the March 2000 election ballot and noted that 51 other communities within the State have also received the Home Rule exemption from the State mandated spending limitations imposed upon cities. Vice Mayor Giles stressed the importance of approving this action, particularly in view of the tremendous growth that has been experienced by the City of Mesa and the increasing demands for infrastructure.

Vice Mayor Giles commented that although Mesa has not participated in this process over the last few years, the City has utilized this option in the past and urged the Council to vote in support of proceeding with this measure and approve the recommendation of the Finance Committee.

In response to a question from Mayor Brown, City Attorney Neal Beets stated that although the City of Mesa may not lobby in support of this option, the City does have the ability to respond to questions relative to the reasons for placing this measure on the ballot.

It was moved by Vice Mayor Giles, seconded by Councilmember Kavanaugh, that the Finance Committee's recommendation that an Alternative Expenditure Limitation (Home Rule) option be placed on the March 2000 election ballot be approved.

Carried unanimously.

4. Discuss and consider a recommendation to proceed with a municipal golf course in east Mesa.

Community Services Manager Wayne Korinek provided the Council with a brief overview of this agenda item and stated that staff is seeking Council's approval to proceed with the selection of a golf course architect and the design of the Red Mountain Golf Course in East Mesa. Mr. Korinek noted that this action was previously recommended by the Parks and Recreation Board and is the result of a study performed by the National Golf Foundation. Mr. Korinek reported that the study indicated that sufficient demand exists in this five mile service area to support and justify the golf course and requested Council approval of this request.

Mayor Brown spoke in support of proceeding with this issue without delay.

Councilmember Pomeroy commented on the fact that the eastern portion of the City is lacking in amenities such as this and spoke in support of approving this proposal.

Councilmember Kavanaugh also spoke in support of the proposal and stated the opinion that this amenity will improve the quality of life for citizens in the community and will be a great asset for the City of Mesa.

In response to a question from Councilmember Hawker, Mr. Korinek advised that the City has had discussions with the Bureau of Land Management and reported that in order for the City to operate and maintain the golf course, agreements with private entities may not be entered into except for entering into a contract with a golf pro for that type of professional service.

Discussion ensued relative to the fact that in the 8th year of operation, the golf course will generate sufficient revenue to offset the operational costs, the fact that the project will be financed over a twenty year period of time with Municipal Development Corporation bonds (\$650,000 a year above operational costs), and the preparation of a proforma.

Councilmember Hawker requested that he be provided a copy of the proforma and emphasized that his support will be dependent upon the financing. Councilmember Hawker expressed the opinion that the burden of the costs should be placed on the people who utilize the golf course rather than the City.

Mayor Brown commented that he was unaware of the fact that the project would be financed by Municipal Development Corporation bonds which are not voted upon by the citizens and questioned the appropriateness of this action.

Assistant City Manager Mike Hutchinson stated that staff is pursuing additional financing options and will present their findings to the Council.

Mayor Brown advised that although this issue requires additional discussion and consideration, he will recommend that the Council direct staff to proceed with selecting the services of a golf course architect and the design of the golf course.

Vice Mayor Giles clarified that the action that will be taken by the Council today is to approve \$600,000 funds to cover the cost of planning the golf course rather than final approval of the overall financing of the project. Vice Mayor Giles added that he has reviewed the revised Master Plan for Red Mountain Park and concurs with the necessity of developing a golf course at that site. Vice Mayor Giles also requested that he be provided an update on future amenities planned for the Park.

It was moved by Councilmember Pomeroy, seconded by Vice Mayor Giles, that staff be directed to proceed with the selection of a golf course architect and the design of the course at Red Mountain Park in East Mesa.

Upon tabulation of votes, it showed:

AYES - Brown-Davidson-Giles-Jaffa-Kavanaugh-Pomeroy
NAYS - Hawker

Councilmember Hawker stated that although he supports the concept, he is unwilling to vote in support of proceeding until he has had an opportunity to review the proforma that has been prepared on this project.

Mayor Brown declared the motion carried by majority vote.

5. Review and consider event proposals for:

- a. A Merry Main Street
- b. Simply Citrus!
- c. Parade Route

Assistant to the City Manager Ellen Pence, Redevelopment Associate Tony Felice and Kelly O'Neill, the City's Special Event Coordinator addressed the Council relative to this agenda item.

Ms. Pence stressed the importance of conducting activities that will profile the town center area and said that two signature events are being proposed: 1) A Merry Main Street; and 2) Simply Citrus. Ms. Pence added that an overview of the proposed parade route will also be reviewed and discussed the formation of teams

which were part of the overall planning for the events. Ms. Pence recognized members of the teams present in the audience and commended them for their efforts to date. Ms. Pence noted that the feedback staff has received to date has been positive for the most part.

Mr. Felice provided the Council with an overview of A Merry Main Street event and said that this holiday-type event would be held on December 3, 1999 and run from 5:30 to 8:30 p.m. Mr. Felice noted that an abundance of activities are being planned for the event and added that 25 tons of snow will be used. Mr. Felice informed the Council that a large number of merchants are excited about participating and have agreed to allow their businesses to remain open. Mr. Felice highlighted proposed activities and said that a variety of food and vendors will also be included in the event.

Discussion ensued relative to proposed entertainment, youth activities, the importance of creating an event that will draw people to the downtown area, and meetings that have been held with business owners on an individual basis.

Ms. O'Neill addressed the Council relative to the Simply Citrus event and referred to a seven page handout that was distributed to the members of the Council. Ms. O'Neill stated the opinion that the citrus theme is appropriate for Mesa from both geographic and historical standpoints and added that the event will be held the first weekend in November (November 3 thru 5, 2000). Ms. O'Neill briefly commented on the numerous activities that are proposed for the three-day event and discussed the site plan which includes the Community Center, the Amphitheater and Center Street, which will be closed from 3rd to Main Street. Ms. O'Neill explained that the event has been broken down into four event areas called "groves" and said that the effect will be extremely festive and colorful. Ms. O'Neill said that following Council approval, a comprehensive marketing plan will be developed and requested Council support in allowing the City to enter a Simply Citrus float in the Fiesta Bowl Parade. Ms. O'Neill added that staff will also begin developing sponsorship packages and said that it is the goal of the event organizers to have a festival sponsor, a sponsor for each activity and major event and a sponsor for each of the four groves. Ms. O'Neill said that a festival budget was approved as part of the 1999-2000 budget process and highlighted a number of the planned events.

Ms. Pence discussed staff's intention to increase the crowd attendance at the Dia de los Muertos rather than decrease and said that every effort will be made not to negatively impact that event that will be occurring on one of the festival days.

Ms. Pence discussed a proposal to move the parade route to Main Street to celebrate the new look and design of the Town Center area and urged the Council to support this recommendation.

Councilmember Kavanaugh indicated support for the events and encouraged staff to pursue the placement of a decorated holiday tree in front of the City Plaza Building to celebrate the holiday season.

Councilmember Jaffa cautioned against selecting holiday music and recommended that religious tones be avoided and that neutral "winter-type songs" be played. Councilmember Jaffa also discussed the proposed budget for the Simply Citrus event and stated the opinion that the bulk of the funds should be spent on entertainment rather than contract management costs.

Councilmember Pomeroy commended everyone involved in the development of the proposed events. Councilmember Pomeroy questioned whether a large scale musical event featuring a name performer could be organized and discussed the benefits of such an act.

Councilmember Davidson concurred with Councilmember Pomeroy's remarks and stressed the importance of pursuing additional details regarding the Simply Citrus event including scheduling and the merging of roller-

blading events and 5K runs. Councilmember Davidson suggested that the run may be more appropriately tied into the bicycle event and said he is looking forward to additional discussion regarding items such as this.

Councilmember Hawker stated support for the proposals but questioned the \$35,000 expenditure for the float. Councilmember Hawker expressed the opinion that the City's entry into the Fiesta Bowl Parade will do little to benefit Mesa and said that the funding could be used for more beneficial purposes.

Mayor Brown stated that he supports the City's float entry into the Parade and commented on the fact that the City has not participated in a large number of community events.

Vice Mayor Giles agreed with Councilmember Davidson's comments and said that he has some suggestions regarding the scheduling of the events. Vice Mayor Giles also commended staff on the development of the events and indicated support for their recommendations. Vice Mayor Giles expressed the opinion that the programs will take time to grow but will eventually be well worth the time, effort and expense.

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

Carried unanimously.

6. Discuss and consider a process for reviewing the bond programs proposed for the March 2000 election ballot.

Vice Mayor Giles, who serves as Chairman of the Finance Committee, stated that the Finance Committee reviewed a variety of issues including discussions regarding a process to be followed in reviewing the bond program proposals for placement on the March 2000 election ballot. Vice Mayor Giles discussed the Committee's recommendation that a "Blue Ribbon" citizens' bond committee be formed and that the meetings be televised over cable channel 11. Vice Mayor Giles stressed the importance of obtaining citizen input and providing assurances that the issues were thoroughly reviewed by the members of the Committee.

It was moved by Vice Mayor Giles, seconded by Councilmember Jaffa, that a citizens' bond review committee be formed and that meetings be scheduled between various Council sub-committees and citizen panels such as the Parks & Recreation Board, to review the various bond proposals.

Councilmember Pomeroy recommended that the members of the committee include citizens who have not been members of previous City boards and committees.

Councilmember Kavanaugh encouraged staff to utilize every method possible to ensure that the bond review committee meetings are made known to the public.

Carried unanimously.

7. Further discussion and consideration concerning smoking regulations.

City Attorney Neal Beets requested Council direction relative to allowing smoking in restaurants with accessory bars. Mr. Beets provided background information relative to this agenda item and noted that smoking has been allowed in the accessory bar portion of restaurants since the citizens' smoke free initiative was adopted. Mr. Beets added that the smoking was allowed in that area subject to the stipulation that a separate ventilation system be located in the accessory bar and that a physical barrier including doors between the smoking area and the accessory bar and the non-smoking area and the restaurant. Mr. Beets informed the

Council that approximately six months ago the Council agreed to allow an experiment to occur whereby the doors were removed and an enhanced ventilation system was installed in the accessory bar to create more negative pressure in an effort to capture the smoke and chemicals, keep them in the smoking area and exhaust them from that same area.

Mr. Beets requested input from the Council relative to the utilization of an enhanced ventilation system and questioned whether the Council would like to pursue changes in the regulations or allow more study to occur.

Mayor Brown stated that although he was responsible for originally bringing this issue to the attention of the Council, the negative reaction that has been generated far outweighs the benefits and recommended that the City abide by the wishes of the citizens in this matter and revert back to the original ordinance. Mayor Brown commented that the City of Mesa will not attract up-scale restaurants as long as the original ordinance is in place but said he will reluctantly concede to the wishes of the public.

Vice Mayor Giles concurred with Mayor Brown's remarks and said that the recent amendment should be repealed and the original ordinance enforced.

Councilmember Pomeroy said that the one vote he regrets as a member of the Council is the vote he cast in favor of the ventilation system. Councilmember Pomeroy said he agrees with Mayor Brown and Vice Mayor Giles' remarks in opposition to the continuation of the ventilation system.

Councilmember Hawker said he is not convinced that doors which are opening and closing are any more effective than the enhanced ventilation system and indicated that he would support spending funds to determine which is the better method of controlling smoke.

Councilmember Jaffa requested that this item be continued to allow additional time to review the ordinance.

Councilmember Davidson concurred with Councilmember Pomeroy's remarks and spoke in opposition to conducting additional studies.

Mr. Luster commented that staff is seeking direction as to whether to place an introduced ordinance to repeal the amendment on the agenda of the Monday Regular Council Meeting.

It was moved by Vice Mayor Giles, seconded by Councilmember Pomeroy, that staff be directed to prepare an ordinance for introduction that will restore the original smoking ordinance and delete the amendment that allowed enhanced ventilation systems which was previously approved by the Council.

Upon tabulation of votes it showed:

AYES - Brown-Davidson-Giles-Jaffa-Kavanaugh-Pomeroy

NAYS -Hawker

Councilmember Hawker stated that he does not support the motion based on the fact that he is not certain that the doors represent a better method of controlling smoke.

Mayor Brown declared the motion carried by majority vote.

8. Appointments to boards and committees.

CRIME PREVENTION ADVISORY BOARD

Margaret L. Martin – To fill vacancy for term ending June 30, 2002

PLANNING AND ZONING BOARD

Lynda Bailey – To fill vacancy for term ending June 30, 2000

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

Carried unanimously.

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

- a. Judicial Advisory Board meeting held October 4, 1999.
- b. Library Advisory Board meeting held October 5, 1999.
- c. Parks and Recreation Board meeting held September 30, 1999.
- d. Transportation Committee meeting held September 30, 1999.
- e. Police Committee meeting held September 30, 1999.

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

Carried unanimously.

10. Consider a recommendation from the Judicial Advisory Board that the initial appointment term for all City magistrates be for a period of two years, that the initial reappointment term be for a period of two years and that subsequent reappointment terms be for periods of four years.

Due to time constraints, this item was continued to the October 21, 1999 Council Study Session.

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

Mayor Brown advised that there were no meetings and/or conferences attended to report on at this time.

12. Scheduling of meetings and general information.

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

Monday, October 18, 1999, 5:45 p.m. – Regular Council Meeting

Tuesday, October 19, 1999, 2:00 p.m. – Transportation Committee Meeting

Thursday, October 21, 1999, 7:30 a.m. – Council Study Session

Thursday, October 21, 1999, 4:00 p.m. – Police Committee Meeting

Friday, October 22, 1999, 7:30 a.m. – Fire Committee Meeting

Monday, October 25, 1999, 5:30 p.m. – Utility Committee Meeting

Wednesday, October 27, 1999, 4:00 p.m. – General Development Committee

13. Prescheduled public opinion appearances. (Maximum of three speakers for three minutes per speaker).

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

14. Items from citizens present. (Maximum of three speakers for three minutes per speaker).

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

15. Adjournment.

Without objection, the Study Session adjourned at 8:55 a.m.

WAYNE BROWN, 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 14th day of October 1999. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this ____ day of _____ 1999

BARBARA JONES, CITY CLERK