

# COUNCIL MINUTES

October 17, 1997

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 17, 1997 at 7:30 a.m.

## COUNCIL PRESENT

Mayor Wayne Brown  
Pat Gilbert  
John Giles  
Dennis Kavanaugh  
Joan Payne  
Wayne Pomeroy  
Jim Stapley

## COUNCIL ABSENT

None

## STAFF PRESENT

C.K. Luster  
Vince Anderson  
Joan Baier  
Neal Beets  
Dan Brewer  
Margaret Farago  
John Geier  
John Gendron  
Joe Holmwood  
Jim Hull  
Lars Jarvie  
Barbara Jones  
Harry Kent  
Karen Kille  
Wayne Korinek  
Ron Krosting  
Dorinda Larsen  
Larry Lines  
Greg Marek  
Jeff Martin

## STAFF PRESENT (CONT.)

Frank Mizner  
Keith Nath  
Ruth Ann Norris  
Ellen Pence  
Bryan Raines  
Andrea Rasizer  
Tom Remes  
Tom Reyes  
Becky Richardson  
Dave Spaur  
Doug Tessoroff  
Debbie Vickman  
Mindy White  
Ralph Wysz  
Others

## OTHERS PRESENT

Bev Hart  
Chris Moeser

1. Hear and consider a presentation from the Telecommunications Review Committee about the new infrastructure for the 21st century.

Management Services Manager Dan Brewer informed Council that in January 1996 President Clinton signed into law extensive revisions to the Telecommunications Act. Mr. Brewer stated that information infrastructure is an important component in attracting industry to a community. Mr. Brewer informed Council that the Committee was created in 1996 to review telecommunication issues. Mr. Brewer said that the Committee was divided into three subcommittees (Legal Authority, Information/Services, and Electronic Infrastructure).

Government Relations Coordinator Jeff Martin reported that a model telecommunication ordinance has been developed through numerous meetings with industry representatives, the

League of Arizona Cities and Towns, and staff from several Arizona cities. Mr. Martin advised that the telecommunications industry has requested uniformity and predictability among cities.

City Attorney Neal Beets described the model telecommunication ordinance and briefly outlined its three major objectives: a) maintain local authority over public rights-of-way, seek to minimize the number of street cuts, resolve potential conflicts between companies, and be responsive to citizen complaints; b) seek fair compensation to the public for use of public rights-of-way (based upon a percentage of gross revenue); and c) support retention of local zoning authority regarding the placement and installation of cellular towers, satellite dishes, antennas, and other telecommunication equipment. Mr. Beets requested that the proposed ordinance be placed on the November 6, 1997 Regular Council Meeting agenda for introduction and that a public hearing be held during the November 17, 1997 Regular Council Meeting.

Mr. Brewer stated that in order to enhance the City's ability to communicate interactively with citizens, the City would need to strengthen its ability to do business and provide information through the Internet. Mr. Brewer indicated that Internet stations may be strategically placed throughout the City to assist individuals who currently do not have Internet access. Mr. Brewer explained that staff may provide assistance to nonprofit agencies in developing Internet sites containing non government-related information. Mr. Brewer spoke relative to the importance of collaborating with schools and community organizations to prepare citizens to participate in an increasingly technologically based society. Mr. Brewer said that shifting from a public to a City-owned telecommunication infrastructure would provide an opportunity to implement new applications that would streamline and enhance internal communications.

Public Works Manager Harry Kent outlined five recommendations designed to provide a broadband fiber network, assist in minimizing construction on City streets, and promote economic development. Mr. Kent explained that Mesa is impacted by the need to place fiber optic cables and transmission towers to support wireless antennas. Mr. Kent noted the importance of a master plan multiconduit system for use by the industry, complying with the City's existing commercial communication tower guidelines, developing a secure and reliable broadband interactive digital network, and establishing uniform construction standards for installation of an underground infrastructure.

Mr. Brewer requested Council's support for the model telecommunication ordinance, hiring a consultant to prepare a feasibility study regarding a possible private sector-constructed master plan multiconduit system, the exploration of kiosk stations, nonmonetary support for nonprofit Internet sites, and collaboration with community agencies.

In response to a question from Vice Mayor Gilbert, Mr. Brewer stated that additional telephone providers will be entering the market in the near future. Mr. Brewer expressed the opinion that advances are being made in wireless technology but noted that the technology will not meet load capabilities of fiber optics.

Vice Mayor Gilbert suggested that the City research the possibility of providing wholesale communication services within the City of Mesa utility area. Mr. Kent stated that a map has been developed outlining major commercial, industrial, and public facilities and said that fiber optic lines may be installed on side streets.

Councilmember Kavanaugh expressed the opinion that the model telecommunication ordinance will assist in attracting businesses and individuals to the City of Mesa.

In response to a question from Councilmember Giles, Mr. Brewer explained that kiosks will be placed in high-traffic locations and will assist individuals unable to visit a City facility during regular business hours. Mr. Brewer stated that Maricopa County has expressed an interest in providing increased access to County information and noted that staff will explore the possibility of multiagency subscriptions.

Councilmember Giles expressed an interest in utilizing kiosks but stated the opinion that additional interactive services should be brought on-line first.

In response to a question from Mayor Brown, Mr. Martin acknowledged that purchases over the Internet could create a loss of sales tax to a community. Mr. Martin stated that this issue is a concern for communities across the nation and is currently being discussed on the federal level.

Mayor Brown suggested that the League of Arizona Cities and Towns be included in discussions concerning purchases conducted over the Internet and the collection of taxes.

In response to a question from Mayor Brown, Mr. Beets stated the opinion that the City would not be liable for Internet security infractions but advised that it may be beneficial to develop a security software program.

Mayor Brown thanked staff for the presentation.

2. Review the proposed operational plan and fees for Foreign Trade Zone No. 221.

Economic Development Director Dave Spaur introduced Senior Program Manager-International Tom Reyes. Mr. Spaur informed Council that staff is requesting approval of an ordinance designating the City of Mesa as Foreign Trade Zone (FTZ) No. 221 administrator and operator; authorizing City Manager Charles Luster to forward a letter to Ian Sang, Port Director, requesting approval of the activation of FTZ No. 221 to be located at Williams Gateway Airport; and authorizing Mr. Luster to sign a customs bond in the amount of \$100,000 and review/authorize the execution and use of the proposed operations manual and zone schedule on rules, regulations, fees, and tariffs.

Mr. Spaur explained the concept of an FTZ and subzones and noted benefits that an FTZ provides to businesses. Mr. Spaur spoke concerning costs and revenues associated with an FTZ. Mr. Spaur stated that the City anticipates receiving a 30 percent return during the first year of operation and will return to Council at a future Study Session to discuss the feasibility of increasing the return. Mr. Spaur indicated that savings realized from the reduced cost of the Greater Phoenix Economic Council (GPEC) contract could be reprogrammed to the FTZ, providing funds for the bond and legal counsel.

In response to questions from Vice Mayor Gilbert, Mr. Spaur outlined advantages to selecting Williams Gateway Airport as the site for the FTZ, noting that Williams Gateway Airport Authority will negotiate lease agreements with companies. Mr. Spaur informed Council that the City of Mesa is seeking activation to assist in marketing the FTZ. Mr. Spaur spoke concerning the effects an FTZ designation may have on property taxes.

Discussion ensued relative to inspection standards of items shipped into an FTZ, the geographical boundary of the FTZ, types of businesses eligible to locate within the proposed boundary, and the possibility of expanding the FTZ boundaries in the future to include manufacturing companies. Mr. Spaur noted that manufacturing companies may currently locate within a subzone.

Mayor Brown thanked Mr. Spaur for the report.

3. Discuss and consider procedures for reviewing subdivision plats.

Planning Director Flank Mizner stated that James Hull, a resident of Sierra Ranch, recently submitted a letter requesting that the review and approval process of subdivision plans be modified to include a rehearing by the Planning and Zoning Board and opportunity for citizen input relative to the final plat. Mr. Mizner summarized the current approval process and explained that changing the procedure may increase time and cost to the City.

Mayor Brown indicated opposition to the proposed changes.

Councilmember Kavanaugh concurred with Mayor Brown noting difficulties encountered in determining if changes have occurred when reviewing final plat maps. Councilmember Kavanaugh suggested that a system be developed to assist in communicating with citizens regarding the technical review process.

Mr. Mizner briefly outlined the current technical review process and stated that concerns regarding plats are generally expressed during the preliminary process.

In response to a question from Councilmember Kavanaugh, City Attorney Neal Beets advised that public meetings are held throughout the review process. Mr. Beets suggested that a system be developed to assist in quickly identifying modifications made to final plat maps.

Councilmember Kavanaugh spoke in favor of the development of a system to assist Council in identifying changes made to a final plat map.

In response to Vice Mayor Gilbert, Mr. Mizner provided examples of plat map changes that would require Council approval. Vice Mayor Gilbert suggested that procedures be reviewed pertaining to the approval process of final plat maps.

Mayor Brown recommended that the procedures for reviewing final plat maps be discussed at a future Policy Session.

4. Hear a status report on the schedule for widening Gilbert Road from Southern Avenue to the Consolidated Canal.

Mayor Brown stated that this item will be continued to the October 20, 1997 Study Session.

5. Hear a preliminary report on widening Gilbert Road from north of McKellips Road to the Consolidated Canal.

Mayor Brown stated that this item will be continued to the October 20, 1997 Study Session.

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

- a. Downtown Development Committee meeting held September 11, 1997
- b. Downtown Development Committee special meeting held September 29, 1997
- c. Library Advisory Board meeting held October 7, 1997
- d. Design Review Board meeting held October 8, 1997

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

Carried unanimously.

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

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

8. Scheduling of meetings and general information.

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

Monday, October 20, 1997 - Finance Committee Meeting (to be held prior to the Study Session)

Monday, October 20, 1997, 5:45 p.m. - Regular Council Meeting

Friday, October 24, 1997, 7:30 a.m. - Study Session

Thursday, October 30, 1997, 4:00 p.m. - Fire Committee Meeting

Mr. Luster stated that a tour of the East Mesa Drainage Site will be conducted on Saturday, November 15, 1997.

Assistant to the City Manager Ellen Pence informed Council that the Finance Committee meeting and the Study Session scheduled for Monday, October 20, 1997, will be held in the Superstition Room North at the Rendezvous Center and that the Regular Council Meeting will be held the same day in the Community Center Theater. Ms. Pence stated that all Regular Council Meetings will be held at this temporary location for approximately three months during renovation of the Council Chambers.

9. Review items on the agenda for the October 20, 1997 Regular Council Meeting.

All of the agenda items were reviewed among the Council and staff, with no formal action taken. There was particular discussion with regard to the following items:

4. Consider the following contracts.

- \*a. Sale of 346 surplus weapons as requested by the Police Department. These weapons are sold in groups (lots) to companies who have a Federal Firearms License.

The Purchasing Division recommends accepting the highest bids as follows:

Lots 1 and 2 to Arizona Sportsman for \$19,400.00, Lot 3 to Quality Gun Works for \$12,850.00, and Lot 4 to Cash In A Flash for \$1,965.00. The combined award is then \$34,215.00.

Councilmember Payne requested that this item be removed from the consent agenda.

6. Consider the following resolutions.

Mr. Luster informed Council that a resolution declining participating in Pima County's mortgage revenue bond program will be added to the October 20, 1997 Regular Council Meeting agenda. Mr. Luster stated that the City of Mesa participates in Maricopa County's mortgage revenue bond program and noted that the Arizona Revised Statutes restrict a community's ability to participate in more than one bond program at any given time.

8. Consider the following cases from the Planning and Zoning Board and possible adoption of the corresponding ordinances.

- a. **Z97-61** The 3600 through 4400 blocks of North Hawes Road (North 84th Street), both sides. Rezone from R1-90 to R1-90-DMP.

Planning Director Frank Mizner stated that staff has received a letter from the applicant requesting that the case be continued to the November 17, 1997 Regular Council Meeting.

Councilmembers Payne and Kavanaugh indicated opposition to placing Item 8a on the consent agenda for continuance.

Discussion ensued concerning the consistency in granting requests for the continuation of an agenda item.

Mayor Brown stated that Item 8a will remain off the consent agenda to provide Council an opportunity to discuss the policy regarding requests for continuation.

Vice Mayor Gilbert expressed the opinion that continuances should be granted to provide additional time for the applicant and the neighbors to negotiate.

- d. **Z97-76** The northwest corner of McKellips Road and the C.A.P. canal. Rezone from R1-35 to R-2-PAD (11± acres). This case involves development of a single-residence subdivision. Gerald and Elaine Petersen Trust, owner; The DeHaven Company, applicant.

Mr. Mizner informed Council that Zoning Case Z97-76 was unanimously approved by the Planning and Zoning Board. Mr. Mizner requested that Council consider placing the item on the consent agenda.

Councilmember Giles indicated opposition to placing the item on the consent agenda given the size of the proposed lots.

Mayor Brown stated that this item will not be placed on the consent agenda.

- \*f. **Z97-80** The southeast corner of Stapley Drive and the Superstition Freeway. Rezone from AG to M-1 with a Council Use Permit (37± acres). This case involves development of a movie theater complex with pad buildings. Globe Corporation, owner; Vestar Development Company, applicant.

Mr. Mizner advised that Ralph Pew, attorney representing the applicant, has submitted a letter requesting that this case be continued to the November 17, 1997 Regular Council Meeting to provide sufficient time to evaluate access issues.

Mayor Brown stated that this item will be placed on the consent agenda for the purpose of continuing the item to the November 17, 1997 Regular Council Meeting.

- \*h. **Z97-82** 825 South Dobson Road (east side). Rezone from C-1 to C-2-BIZ (5.0± acres). This case involves the development of a 3-story, 222-room hotel. Bigelow Development Corporation, owner; Kevin Reis, applicant.

Councilmember Giles expressed the opinion that additional information is needed pertaining to Zoning Case Z97-82.

Vice Mayor Gilbert requested that this item be removed from the consent agenda to provide staff and the applicant an opportunity to discuss the case.

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

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

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

There were no items from citizens present.

12. Adjournment.

Without objection, the Study Session adjourned at 9:03 a.m.

WAYNE BROWN, 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 17th day of October 1997. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 5th day of November 1997

BARBARA JONES, CITY CLERK