

COUNCIL MINUTES

January 21, 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 January 21, 1999 at 7:45 a.m.

COUNCIL PRESENT

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

COUNCIL ABSENT

Dennis Kavanaugh

STAFF PRESENT

C.K. Luster
Kevin Adam
Wayne Balmer
Cindy Barris
Jamie Brennen
Mike Claspell
Dennis Compton
Mike Hutchinson
Barbara Jones
Wayne Korinek
Dorinda Larsen
Jeff Martin
Ellen Pence

STAFF PRESENT (CONT.)

Bryan Raines
Andrea Rasizer
Tom Remes
Jenny Sheppard
Jan Strauss
Doug Tessendorf
Mindy White

OTHERS PRESENT

Ray Rafford
Robbie Sherwood
Others

Mayor Brown excused Councilmember Kavanaugh from the meeting.

1. Hear a presentation on the proposed skate park to be located at Reed Park.

Community Development Manager Wayne Korinek stated that construction of a skate park has been under consideration for several years and that funding for such a facility was included in the May 1998 tax increase approved by voters. Mr. Korinek said that following review and several public meetings, the Skate Park Planning Committee has recommended Reed Park as a skate facility site.

Mr. Korinek presented an overview of the proposed skate park. Mr. Korinek advised that a multi-use facility for both inline and skateboard athletes is recommended. Mr. Korinek noted skate park facilities proposed and/or currently underway in surrounding communities.

Ray Rafford, Parks and Recreation Boardmember, reviewed activities to date of the Skate Park Planning Committee and input received through a series of community meetings. Mr. Rafford indicated that citizens are in support of the park concept and the proposed location. Mr. Rafford expressed appreciation for the assistance of consultants and City staff who have been involved in the skate park project.

(Councilmember Jaffa arrived at the meeting at 7:52 a.m.)

Mr. Korinek displayed a rendering of the conceptual plan of the park and highlighted proposed design considerations, park amenities, and skate props. Mr. Korinek estimated 1998/99 costs for the skate facility and additional planned park renovation at approximately \$750,000. Mr. Korinek reported that annual maintenance costs, to be funded by the sales tax initiative, are estimated at \$32,000.

Mr. Korinek outlined the anticipated time frame for design and construction, noting that completion is expected in the Fall of 1999. Mr. Korinek stated that it is recommended that the skate park be self-monitored by users in a manner similar to an outdoor basketball court. Mr. Korinek related the success of self-monitored facilities in Phoenix and in California.

Mr. Korinek advised that an additional neighborhood meeting will be held on February 17 to elicit further input. Mr. Korinek stated that replacement of the existing lake within the park by the skate facility is supported by residents.

Councilmember Pomeroy spoke in favor of the project and encouraged acceleration of construction if feasible.

In response to a question from Councilmember Pomeroy, Mr. Korinek outlined expected benefits to surrounding neighborhoods. Mr. Korinek expressed the opinion that the skate facility will have a positive impact.

Vice Mayor Giles stated support for the proposal. In response to a question from Vice Mayor Giles regarding liability, Mr. Korinek related anticipated park rules and efforts to encourage participants to wear protective gear. Mr. Korinek reported that research of facilities in Phoenix and California reveals that no claims relating to the skate parks have been filed to date. Mr. Korinek noted that except in the event of gross negligence, Arizona Revised Statutes grant immunity when no fee is charged for an activity.

Mr. Rafford said that liability was an issue of concern to the Parks and Recreation Board and that the importance of self-monitoring has been discussed with various athletes.

Councilmember Davidson stated that he favors the facility. In response to questions from Councilmember Davidson, Mr. Korinek and Mr. Rafford spoke concerning projected costs, proposed size of the facility, and surrounding geography.

Councilmember Pomeroy noted neighborhood interest in the project and expressed the opinion that the site is an appropriate location for the skate park.

Mayor Brown commented that additional skate facilities may be requested in the near future. In response to a question from Mayor Brown, Assistant to the City Manager Mike Hutchinson stated that a skate park is anticipated as a component of the recreational amenity plan for the Rio Salado Crossing Project.

Mr. Korinek delineated other potential sites for skate park facilities.

Mayor Brown thanked the Parks and Recreation Board, Skate Park Planning Committee, and staff for their work.

2. Discuss and consider issues before the State Legislature.

Assistant to the City Manager Jeff Martin stated that the 1999 legislative session has begun and that approximately 1,200 bills are anticipated for introduction. Mr. Martin said that copies of numerous bills will be forwarded to City staff for review and comment.

Reductions in State-Shared Revenues; Fiscal Impact of Other Proposals

Mr. Martin advised that the budget for the state for the upcoming fiscal year includes a provision to reduce the cities' share of the state income tax from 15.8% to 15%, which would reduce Mesa's share by approximately \$2 million per year. Mr. Martin reported that legislators are additionally proposing reductions to the state's share of the Vehicle License Tax (VLT) as well as an initiative to eliminate the VLT entirely. Mr. Martin stated that Mesa is projected to receive approximately \$10 million from the VLT during the next fiscal year.

Mr. Martin noted two additional local initiatives currently being circulated which would repeal the City's local sales tax on food and rentals. Mr. Martin estimated the fiscal impact of the two initiatives at \$15 million annually. Mr. Martin stated that approval of the initiatives would impact the City's ability to provide the enhanced City services recently approved by voters at the May 1998 General Election.

Mr. Martin commented that the cumulative fiscal impact of the above efforts is approximately \$27 million annually. Mr. Martin recommended that the City oppose efforts to reduce state-shared revenues.

Mr. Martin and staff spoke concerning the measures and the impact on the City's bond rating, the economic benefit to the state of a reduction in state income tax, and the importance of local control/retention of the cities' revenue stream. Mr. Martin suggested that Council schedule a meeting with legislators to discuss consequences of the proposals.

Council requested information regarding the effect on various City services should a \$27 million shortfall occur.

Electric Deregulation

Government Relations Assistant Kevin Adam reported that Senator Tom Freestone has agreed to sponsor legislation that will allow Mesa to participate in electric competition. Mr. Adam recommended that the City support such legislation.

Councilmember Hawker suggested that this issue be presented to the Utility Committee for discussion. Councilmember Hawker requested data pertaining to implications of the measure in relation to the City's budget.

Councilmember Jaffa asked that materials be provided in advance of the Utility Committee Meeting.

Preemption of Local Particulate Control Ordinance

Mr. Martin outlined industry concerns regarding Mesa's enforcement of the County's dust control ordinance and industry efforts to "clarify" the law. Mr. Martin said that the City has indicated that the current law is appropriate and modifications are unnecessary at this time. Mr. Martin stated that it is recommended that the City oppose efforts to preempt local authority for local particulate pollution programs.

HB2472; Urban Transportation Planning

Mr. Martin advised that legislation has been introduced creating an Urban Planning Division within the Arizona Department of Transportation (ADOT) and granting authority to such entity for transportation planning in the Maricopa County area. Mr. Martin stated that the Maricopa Association of Governments (MAG) would additionally retain transportation planning authority, particularly under federal law.

Mr. Martin recommended that the City oppose efforts to limit MAG's authority by adding entities to an already complicated planning process.

Growing Smarter

Mr. Adam outlined various provisions of the Growing Smarter legislation and tasks assigned by the Governor to the Growing Smarter Commission, including the development of legislation involving downzoning restrictions and urban growth boundaries. Mr. Adam reported that during the last session, legislation was adopted that would prohibit counties from downsizing property without the consent of the property owner. Mr. Adam stated that the Governor has indicated that she would support reforms to restore a portion of the counties' previous zoning authority but that some legislators support extending the law to cities and towns. Mr. Adam said that it is recommended that the City oppose efforts to limit local planning authority, such as downzoning restrictions.

Slumlord Legislation

Mr. Adam noted that last year the Legislature created a Slumlord Task Force to address the growing problem of slum rental housing. Mr. Adam said that the Task Force is preparing a bill that would include the creation of a registry of rental property owners. Mr. Adam stated that the City is monitoring the Task Force and recommends the support of legislation to eliminate slum rental housing.

Brief discussion ensued relative to the proposal, plans to include in the registry only properties with a history of slum problems, concerns regarding a potential abuse of power, and the impact on a new owner once a property is sold. Mr. Martin stated that revisions to the measure are currently underway and will be presented to Council in the future.

Photo Enforcement

Mr. Martin outlined provisions of anticipated legislation that would revert photo enforcement responsibility from the driver to the registered owner of a vehicle and additionally provide cities the authority not to impose points on vehicle owners who are issued photo enforcement citations. Mr. Martin recommended support of the legislation.

Mayor Brown suggested that this issue be considered in conjunction with the City's photo enforcement program, currently scheduled for review by the end of February 1999. Mayor Brown recommended acceleration of discussion to allow an opportunity for input regarding the proposed legislation.

SB1076; Restoration of State Aviation Fund

Mr. Martin reported that for several years the Legislature has been diverting 50 percent of the revenues from the state aviation fund to the state general fund. Mr. Martin said that SB1076 would cease the diversion of aviation funds and instead utilize such monies to support general aviation in Arizona. Mr. Martin recommended that the City support legislation to cease the diversion of state aviation funds.

Council requested information pertaining to legislation proposed/supported by the National League of Cities and the League of Arizona Cities and Towns.

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

Mayor Brown provided a brief overview of recent MAG meetings and activities.

4. Scheduling of meetings and general information.

Mr. Luster stated that the meeting schedule is as follows:

Tuesday, January 26, 1999, 5:30 p.m. - Joint Transportation Committee/Transportation Advisory Board Meeting

Thursday, January 28, 1999, 7:45 a.m. - Study Session (followed by a Police Committee Meeting)

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

There were no prescheduled public opinion appearances.

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

There were no items from citizens present at this time.

7. Tour and hear a report concerning the Center Against Family Violence.

Mr. Luster stated that this item will be rescheduled.

8. Adjournment.

Without objection, the Study Session adjourned at 8:57 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 21st day of January 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