

COUNCIL MINUTES

July 16, 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 July 16, 1998 at 8:23 a.m.

COUNCIL PRESENT

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

COUNCIL ABSENT

Jim Davidson

STAFF PRESENT

C.K. Luster
Pauline Backer
Wayne Balmer
Cindy Barris
Neal Beets
Denise Bleyle
Dan Brewer
Mike Claspell
Dennis Compton
Mark Coon
Gil Damiani
Carl Geis
Mike Hutchinson
Barbara Jones
Harry Kent
Ron Krosting
Dorinda Larsen
Rich Lorig
Jeff Martin
Keith Nath
Eric Norenberg
Ellen Pence
Don Pfohl
David Plumb
Bryan Raines

STAFF PRESENT (CONT.)

Andrea Rasizer
Tom Remes
Becky Richardson
Jenny Sheppard
Jan Siedler
Jan Strauss
Ursula Strephans
Ron Von Burg
Mindy White
Paul Wilson
Larry Woolf

OTHERS PRESENT

Mark Bare
Charlie Deaton
Steve Farquhar
Joanie Flatt
Ralph Pew
Robbie Sherwood
Peter Valenzuela
Marty Whalen
Others

Mayor Brown excused Councilmember Davidson from the meeting.

1. Review items on the agenda for the July 20, 1998 Regular Council Meeting.

All of the items were reviewed by Council and staff with no formal action taken. There was specific discussion relative to the following agenda items:

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

4. Consider the following contracts:

- *h. Hawes Road Waterline and Gas Main Installation.

This project involves the installation of a new waterline and new gas line in northeast Mesa along Hawes Road from Thomas Road to McDowell Road.

Councilmember Hawker indicated that he had a potential conflict of interest in connection with the matter now under discussion 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.

- *i. Pioneer Park Restroom Facility.

This project involves the construction of a new restroom facility at Pioneer Park.

Councilmember Hawker indicated that he had a potential conflict of interest in connection with the matter now under discussion 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 said that this item will be removed from the consent agenda.

Vice Mayor Giles and Councilmember Jaffa questioned the necessity for the restroom and the estimated cost of the project. City Manager Charles Luster advised that staff will provide additional information.

- 5. Introduction of the following ordinances and setting August 3, 1998 as the date for the public hearing on these ordinances.

- *a. Changing the zoning of certain property described in Zoning Case HL98-001TC, adopting an official supplementary zoning map, and providing penalties for the violation thereof.

Councilmember Jaffa requested that this item be removed from the consent agenda to allow an opportunity for further discussion.

- 6. Consider the following ordinances:

- *b. Pertaining to Title 5, Business Regulations; amending Chapter 13 of the Mesa City Code regarding the imposition of the Residential Development Tax; and providing penalties for the violation thereof.

and

- *c. Eliminating Title 5, Section 20 of the Mesa City Code relating to payments in lieu of the Residential Development Tax; replacing Title 5, Section 17 of the Mesa City Code relating to Development Fees; and providing penalties for the violation thereof.

Councilmember Jaffa asked that Items 6b and 6c be removed from the consent agenda for the purpose of additional discussion.

At the request of Mayor Brown, Assistant to the City Manager Bryan Raines provided background information pertaining to the proposed impact fees. Mr. Raines stated that a Notice of Intention was adopted by Council on June 1, 1998, and that the two ordinances corresponding to Items 6b and 6c were introduced at the July 6, 1998 Regular Council Meeting.

Mr. Raines advised that copies of the proposed ordinances have been distributed to interested parties and that concern has been noted relative to various definitions (e.g., "change in use") and the provision to annually adjust fees for inflation. Mr. Raines indicated that it is staff's recommendation to proceed with adoption of the ordinances at the July 20, 1998 Regular Council Meeting, after which the development fees cannot be modified for 90 days. Mr. Raines noted an initial effective date of November 1, 1998.

Mr. Raines stated that it would be staff's intent to continue working to modify/clarify definitions for adoption at a future meeting. Mr. Raines noted that the provision for inflationary adjustment requires Council approval (public process) and a suggestion has been made that if the provision is not eliminated, the language be amended to reflect "may" instead of "shall."

Charlie Deaton, Executive Director of the Mesa Chamber of Commerce, stated that it is not the Chamber's intent to unduly delay the process but indicated concern relative to the proposal.

Mark Bare, Manager, Government Relations, Motorola, expressed appreciation to staff for their efforts regarding this issue and reaffirmed Motorola's support for Mesa's intent that growth pay for growth. Mr. Bare stated concern pertaining to the definition of "change of use" and the provision for inflationary adjustments, commenting that he is unaware of any neighboring city that includes such a factor.

Mayor Brown spoke regarding competition and recommended that Council proceed with the adoption of the proposed impact fees.

Councilmember Jaffa stated the opinion that the proposed fees are less than in surrounding communities and encouraged continued review of the fee structure.

Councilmember Hawker indicated support for the inflationary adjustment and provision for periodic review at least once every three years to ensure that growth pays for growth.

Councilmember Pomeroy stated that he does not oppose the proposed fees but indicated a preference for the word "may" instead of "shall" in relation to annual adjustments for inflation.

Mr. Deaton reported that the Chamber is in agreement with the initial fee structure but is concerned that fees may become excessive and individuals may relocate from Mesa.

*d A98-2 Annexation of 345+ acres east of Signal Butte Road from East Broadway Road south along the CAP Canal to East Southern Avenue and east to Meridian Drive. Initiated by property owners.

Community Development Manager Wayne Balmer responded to questions from Councilmember Hawker regarding development within the annexation area. Councilmember Hawker expressed concern relative to right-of-way costs and encouraged methods to reduce such costs in the future.

Mayor Brown suggested that issues relating to right-of-way acquisition be discussed at a future Study Session.

8. Consider the following cases from the Planning and Zoning Board and possible adoption of the corresponding ordinances:
 - b. Z98-36 1816 East Brown Road. Rezone from R1-9 to O-S (1.25 acres). This case would change the designation of an adult care home to an assisted living facility. Ray and Darlene Pasternack, owners/applicants. **A 3/4 VOTE IS REQUIRED TO APPROVE THE REQUEST.**

In response to a question from Vice Mayor Giles, Mr. Balmer advised that the proposal will not alter the exterior of the home but will allow two additional residents. Mr. Balmer stated that a 3/4 vote is required at this time.

Councilmember Kavanaugh indicated support for allowing two additional residents but expressed concern relative to the proposed signage.

- *c. Z98-38 The northwest corner of Stapley Drive and the Freeway. Rezone from O-S and C-2 to R-4 (9.9 acres). This case involves the development of an apartment complex. State Savings Mortgage Co., owner; Gray Development, applicant.

Councilmember Jaffa requested that this item be removed from the consent agenda to provide an opportunity to commend the developer for his efforts in providing quality amenities.

Councilmember Hawker questioned vehicle "stacking" at the turning bay on Stapley Drive. Mr. Balmer said that staff will provide data to Councilmember Hawker.

9. Consider the following subdivision plats:
 - *a. "THE COMMONS INDUSTRIAL PARK AT FALCON VIEW UNIT 3" - The 4100 block of East McDowell Road (north side); 13 M-1 industrial lots (25.5 acres). Travelers Construction Co., L.C. and Western Commerce Co., L.L.C., developers; Ace Engineering, Inc., engineer.

Councilmember Jaffa indicated that he had a potential conflict of interest in connection with the matter now under discussion 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.

2. Presentation by U.S. West regarding TeleChoice Cable TV.

Management Services Manager Dan Brewer introduced Steve Farquhar, General Manager, U.S. West TeleChoice Cable TV, and Peter Valenzuela, The Genesis Group. Mr. Brewer advised that U.S. West has requested an opportunity to present to Council information pertaining to U.S. West's TeleChoice digital TV and online services.

Mr. Farquhar utilized displays and presented an overview of U.S. West's TeleChoice offerings. Mr. Farquhar provided a service description for both digital TV (expanded programming and channel options, interactive program guide, integrated features, clear picture) and online services (high-speed dedicated Internet access, unlimited e-mail, tiered package options, continual service, and unlimited usage for a flat monthly fee).

Mr. Farquhar highlighted service benefits, commenting that an increase in channels equates to an increase in choice.

Mr. Farquhar explained the system's architectural configuration and capacity. Mr. Farquhar stated that a DSLAM box will be utilized to provide video and online service and will incorporate existing copper telephone lines. Mr. Farquhar expressed appreciation to Council for the opportunity to speak.

In response to a question from Vice Mayor Giles, Mr. Farquhar stated that it is the intent of U.S. West to provide TeleChoice service to the entire City beginning this fall.

Mr. Farquhar responded to questions from Councilmember Hawker pertaining to the dimensions, quantity, and proposed location of DSLAM boxes and the payment of City fees.

Mr. Brewer indicated that additional details will be provided at the time that U.S. West's license application is considered by Council.

Councilmember Jaffa requested information pertaining to an overall plan concerning deregulation and the bundling of services in an effort to avoid providing an unfair advantage to any particular business.

Mayor Brown thanked Mr. Brewer, Mr. Farquhar, and Mr. Valenzuela for the presentation.

3. Hear a briefing and discuss Mesa's Traffic Management System.

Mr. Luster advised that this issue relates to Item 4b on the agenda for the July 20, 1998 Regular Council Meeting.

Transportation Director Ron Krosting introduced Traffic Signals Supervisor Jan Siedler.

Ms. Siedler presented an overview of the proposed Advanced Traffic Management System (ATMS) as a replacement for the City's existing central unit and field equipment. Ms. Siedler advised that the current system has been in place for approximately ten years and is difficult and expensive to maintain. Ms. Siedler explained that the ATMS provides enhanced traffic management capabilities, takes advantage of advancements in national Intelligent Transportation Systems (ITS) applications, and supports the ITS progression toward regional sharing of data between agencies.

Ms. Siedler responded to questions from Councilmember Hawker pertaining to the operation of the proposed system. Ms. Siedler expressed the opinion that the ATMS technology will serve the needs of the City for the next 15 to 20 years and is appropriate at this time to allow utilization of the ITS applications.

Councilmember Jaffa spoke in favor of the proposal and encouraged coordination with the City's Police and Fire Departments.

Brief discussion ensued pertaining to potential interaction with surrounding communities and the City's Opticom system.

Mayor Brown expressed appreciation to Mr. Krosting and Ms. Siedler for the information.

4. Hear a briefing and discuss Mesa's communications system.

Mr. Luster noted that this issue relates to Item 4g on the agenda for the July 20, 1998 Regular Council Meeting.

Communications Director Don Pfohl presented background information and described components of Mesa's wireless communications system, including a two-way dispatch radio, microwave carrier system, City-owned paging system, cellular telephones, and participation in supervisory control functions and data acquisition. Mr. Pfohl advised that the General Services division is responsible for the support of the City's mobile data system and that a new system is being installed and is scheduled for completion by December 31, 1998 (presently proceeding ahead of schedule).

Mr. Pfohl outlined two requests for the construction of new communications facilities to enhance and expand the abilities of City departments to communicate and transmit information.

Mayor Brown thanked Mr. Pfohl for the briefing.

5. Hear a report and review the speed hump policy.

This item was not discussed at this time.

6. Appointments to boards and committees.

Mayor Brown recommended the appointment of Library Director Herschel V. Anderson to the Maricopa County Library District Advisory Council for a one-year term.

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

Mayor Brown declared the motion carried unanimously by those present.

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

- a. Adjustment Board meeting held July 7, 1998.
- b. Downtown Development Committee meeting held June 18, 1998.
- c. Economic Development Advisory Board meetings held May 28 and June 19, 1998.

It was moved by Councilmember Kavanaugh, seconded by Vice Mayor Giles, to acknowledge the receipt of the above-listed minutes.

Mayor Brown declared the motion carried unanimously by those present.

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

There were no reports on meetings and/or conferences attended.

9. Scheduling of meetings and general information.

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

Monday, July 20, 1998, 5:45 p.m. - Regular Council Meeting (preceded by a Study Session)

Thursday, July 23, 1998, 8:00 a.m. - Council Retreat at Williams Gateway Airport

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

There were no prescheduled public opinion appearances.

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

There were no items from citizens present at this time.

12. Adjournment.

It was moved by Vice Mayor Giles, seconded by Councilmember Kavanaugh, that the Study Session adjourn at 9:24 a.m.

Carried unanimously.

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 16th day of July 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