

COUNCIL MINUTES

January 18, 2001

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 18, 2001 at 7:30 a.m.

COUNCIL PRESENT

Jim Davidson
Bill Jaffa
Dennis Kavanaugh
Pat Pomeroy
Claudia Walters
Mike Whalen

COUNCIL ABSENT

Keno Hawker

OFFICERS PRESENT

Mike Hutchinson
Neal Beets
Barbara Jones

Vice Mayor Davidson excused Mayor Hawker from the meeting.

1. Review items on the agenda for the January 22, 2001 Regular Council Meeting.

All the items on the agenda were reviewed among Council and staff with no formal action taken. There was discussion among the members of the Council relative to various agenda items.

2. Discuss and consider the City's legislative program.

Assistant to the City Manager Jeff Martin and Government Relations Assistant Kevin Adam addressed the Council relative to this agenda item and provided an overview of this year's legislative session. Mr. Martin advised that the session began on January 8th and is expected to last longer than previous sessions based on the fact that the Senate is equally divided between democrats and republications and also because of the need to pass a budget for the next two years.

Mr. Martin noted that the City has continued building upon partnerships that have been created with other cities, most notably Glendale, Phoenix and Tucson, in an effort to pool resources and lobby more effectively on areas of mutual concern. Mr. Martin added that issues such as state shared revenue, increased group home oversight and airport development and protection will be pursued collectively among the cities.

Mr. Martin and Mr. Adam provided a brief summary of the various issues of interest (See Attachment), which included:

- * Retention of State Shared Revenue
- * Use of HURF Revenue to Fund Additional DPS Officers

- * Group Homes Oversight
- * Telecommunications (Councilmember Davidson declared a potential conflict of interest on this particular issue and refrained from discussion/participation.)
- * Retiree Health Insurance Assistance
- * State Aviation Fund
- * Firearms Regulatory Preemption (HB 2347)
- * Earlier Availability of Election Publicity Pamphlets (HB 2419)
- * Natural Gas Service Fee Preemption Repeal
- * Williams Gateway Airport Development
- * Traffic Safety (HB 2278)
- * County Roadway Abandonment (HB 2358)
- * Venture Capital

In response to questions from the Council, Mr. Martin reported that to date approximately 400 bills have been reviewed and added that he anticipates that the total number will reach 1200. Mr. Martin said that two weeks is the deadline for introduction of bills.

Vice Mayor Davidson thanked Mr. Martin and Mr. Adam for their presentation.

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

- a. Historic Preservation Committee meeting held December 14, 2000.

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

Vice Mayor Davidson declared the motion carried unanimously by those present.

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

Vice Mayor Davidson and Councilmember Whalen commented on the 2025 Vision Committee meetings that have been scheduled and noted that one will take place this evening at Shepherd Junior High School. Councilmember Whalen encouraged citizen attendance and participation at the meetings.

5. Scheduling of meetings and general information.

City Manager Mike Hutchinson stated that the meeting schedule is as follows:

Monday, January 22, 2001, 5:45 p.m. - Regular Council Meeting

Wednesday, January 24, 2001, 4:00 p.m. – Transportation Committee Meeting (Recker Road Interchange)

Thursday, January 25, 2001, 7:30 a.m. – Council Study Session

Thursday, January 25, 2001, Finance Committee Meeting immediately following the Study

6. Prescheduled public opinion appearances.

There were no prescheduled public opinion appearances.

7. Items from citizens present.

There were no items from citizens.

8. Adjournment.

Without objection, the Study Session adjourned at 9:10 a.m.

KENO HAWKER, 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 18th day of January, 2001. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this ____ day of _____ 2001

BARBARA JONES, CITY CLERK

Attachment
Lgc

January 18, 2001

TO: MAYOR AND CITY COUNCIL

THROUGH: MIKE HUTCHINSON

FROM: KEVIN ADAM
JEFF MARTIN

SUBJECT: Update for 2001 Legislative Session.

OVERVIEW

The purpose of this report is to provide the Mayor and Council with an overview of this year's legislative session. The session began on January 9th and is expected to last relatively longer due to the Senate being equally divided between democrats and republicans and also because of the need to pass a budget for the next two years.

The City has continued to build on partnerships that have been created with other cities, most notably Glendale, Phoenix and Tucson, in an effort to pool resources and lobby more effectively on areas of mutual concern. Issues such as state shared revenue, increased group home oversight and airport development & protection will be pursued collectively among the cities.

ISSUES OF INTEREST

Retention of State Shared Revenue

State shared revenue is a significant portion of the City's revenue and protecting the funding levels will remain a City priority. The City of Mesa will receive an estimated \$85 million from state shared revenue next year. These voter-approved monies are provided to cities in exchange for the loss of some local taxing authority such as local income and luxury taxes.

It is recommended that the City oppose any future efforts to reduce state shared revenue.

Use of HURF Revenue to Fund Additional DPS Officers

It is anticipated that legislation will be introduced to divert funding from the Highway User Revenue Fund (HURF) to pay for the hiring of approximately 100 additional DPS officers. \$10 million is already allocated from HURF annually to fund DPS officers. The additional funding would be diverted from the State Highway Program which is estimated to have an \$8 billion shortfall for addressing transportation needs over the next twenty years. Funding would also be diverted from the City's share of HURF revenue. In addition, local governments must rely on their general funds to pay for local law enforcement. The State should use its general fund to pay for its law enforcement officials as is required of cities and counties. It is recommended that the City oppose efforts to divert HURF revenue for the hiring of additional DPS officers.

Group Homes Oversight

Senator David Petersen has agreed to sponsor legislation that would enable cities to better address the needs of juvenile group home neighbors who have encountered problems with group homes. Group homes provide an invaluable community service to those who need the protection, guidance and structure of a group home setting. However, in many circumstances, juvenile group home residents have created nuisance, crime and safety problems for their neighbors. The legislation would require that all State group home contracts include compliance with local laws as a provision of the contracts. Cities would also continually receive updated background information on group homes operating within their jurisdiction. In addition, cities would be notified and provided an opportunity to comment on any past incidents concerning a particular group home prior to that home receiving a license renewal.

It is recommended that the City continue to support legislation that would enhance the protection and well being of group home neighbors.

Telecommunications

Legislation may be considered that would reform the ability of cities to recover costs associated with the telecommunication industry's use of public right-of-ways. The City of Mesa wishes to protect its ability to minimize the public impact and recover costs associated with such use. In order to lay conduit and other telecom infrastructure, the industry must often cut and repair sections of public streets. Such activities may cause prolonged street or lane closures, generate costs associated with the oversight and repair of damaged streets, and also cause long term pavement degradation that shortens the useful life of a street. Therefore, cities are seeking an agreement with the industry on acceptable cost recovery and right-of-way oversight measures. Such an agreement would also provide the industry with an enhanced level of predictability when investing in new infrastructure that typically benefits the general public and local economy. Cities are advocating the creation of a model ordinance rather than enacting further statutory requirements. However, legislation may be pursued by the industry.

It is recommended that the City support and participate in efforts to work with the telecommunications industry to articulate acceptable right-of-way oversight practices and cost recovery.

Retiree Health Insurance Assistance

Numerous bills have been introduced that would increase health insurance assistance paid to members of the Arizona State Retirement System (ASRS). State increases in this assistance would help offset the added cost of health insurance premiums which City of Mesa retirees have recently started to pay. An increase in health benefits would be funded through ASRS.

It is recommended that the City support legislation that would increase health insurance benefits for City retirees

State Aviation Fund

Representative Dean Cooley will sponsor legislation that will phase in a restoration of all State flight property tax revenue into the State Aviation Fund. The City of Mesa supports a 100% restoration into the State Aviation Fund which provides capital improvement funding needed to bring all airports in Arizona up to State standards. Legislation passed in 1997 diverted 50% of the revenue to the State General Fund. The shift has resulted in an approximate loss of \$7.5 million annually to the State Aviation Fund. The loss of this revenue source impacts the development of both Williams Gateway and Falcon Field Airports.

It is recommended that the City continue to support legislation that would restore 100% of the State Flight Property Tax revenue into the State Aviation Fund.

Firearms Regulatory Preemption (HB 2347)

Representative Karen Johnson has introduced legislation that would preempt local governments from passing any ordinance, rule or tax related to the manufacture, transportation, possession, carrying, sale or use of firearms or ammunition.

It is recommended that the City oppose efforts to preempt local firearm regulatory authority.

Earlier Availability of Election Publicity Pamphlets (HB 2419)

Representative Marilyn Jarrett has introduced legislation that would increase the length of time that election departments would have to publish election publicity pamphlets. Due to the amount of time provided to submit arguments for and against ballot initiatives and referendums, many election departments, including the Mesa City Clerk's Office, are unable to publish and distribute publicity pamphlets prior to the start of early voting. As early voting continues to grow in popularity and more issues continue to appear on the ballot, improving the accessibility and effective distribution of publicity pamphlets is a priority for maintaining an informed electorate. Adjusting the due date for arguments from 60 days prior to the election to 90 days would provide election departments with additional time to provide voters with publicity pamphlets prior to early voting.

It is recommended that the City support legislation adjusting the due date for initiative and referendum arguments in order to publish election publicity pamphlets earlier:

Natural Gas Service Fee Preemption Repeal

Senator Jay Blanchard has agreed to sponsor legislation that would repeal a preemption on public power entities from charging a service fee for natural gas provided for the refueling of alternative fuel vehicles. The City Council should have the authority to establish the City's rate structure. In addition to overriding local control, the law also only applies to the City of Mesa Gas Utility. Private utility companies continue to charge such a fee.

It is recommended that the City support legislation repealing the preemption on the City from charging natural gas service fees for gas used to refuel alternative fuel vehicles.

Williams Gateway Airport Development

Several pieces of legislation related to the development of Williams Gateway Airport will be considered. State appropriations for capital improvements will be sought specifically to enhance airport cargo operations. The development of an air cargo apron with an associated taxiway and access road is being sought at a cost of \$15 million. Federal assistance is also being sought for the projects and \$6.1 million in federal assistance has been tentatively approved. Federal assistance is also being requested for other capital improvement projects including a new eastside terminal facility. State legislation will also be sought to continue the annual \$350,000 appropriation for the airport's marketing program.

It is recommended that the City support legislation to advance the development of Williams Gateway Airport.

Traffic Safety (HB 2278)

Legislation has been introduced by Representative Roberta Voss that would enhance public safety and traffic law enforcement. The bill increases the authorized level of civil penalties from \$1,000 to \$2,500 for traffic violations resulting in the death of another person. The bill also provides law enforcement officials with an additional 30 days to commence a civil traffic violation case. Additionally, the bill would enable traffic complaint citations to be served to the person charged with the violation through the mail. The bill also makes registered owners of vehicles subject to civil traffic violations if the vehicle is recorded by a traffic monitoring system, such as a red light camera or photo radar, violating traffic law.

It is recommended that the City support legislation that enhances traffic safety and law enforcement measures.

County Roadway Abandonment (HB 2358)

Legislation has been introduced that would allow counties to make a unilateral decision to abandon roads within or adjacent to an incorporated area. The affected municipality would have no guarantee that the abandoned road would meet its street standards. The impact to the City of Mesa could be substantial as the City has continuously annexed property up to County roads per County policy. While the legislation should be opposed, if the bill progresses through the legislative process, an amendment should be considered that would redistribute the counties' HURF revenue to municipalities to more accurately reflect the changing street construction and maintenance needs of both counties and municipalities.

It is recommended that the City oppose the county roadway abandonment legislation or amend the bill to reflect the changing road construction and maintenance responsibilities of counties and cities in the distribution of HURF revenue.

Venture Capital

Legislation will be considered that would increase the level of venture capital available from the State for high-tech start-up companies. Increased venture capital would enhance the development of telecommunications infrastructure and other needs of "New Economy" related businesses that are a priority for the City's future economic growth plans

It is recommended that the City support legislation increasing the level of venture capital available from the State.