

# COUNCIL MINUTES

November 14, 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 November 14, 1997 at 7:40 a.m.

## COUNCIL PRESENT

Mayor Wayne Brown  
John Giles  
Dennis Kavanaugh  
Joan Payne  
Wayne Pomeroy

## COUNCIL ABSENT

Pat Gilbert

## STAFF PRESENT

C.K. Luster  
Linn Adams  
Vince Anderson  
Pauline Backer  
Wayne Balmer  
Kathy Barrett  
Neal Beets  
Denise Bleyle  
Mike Brennan  
Dan Brewer  
Mike Claspell  
Tanya Collins  
Dennis Compton  
Mark Coon  
Luigi Digirolamo  
Kim Fallbeck  
George Forster  
Greg Fowler  
Carl Geis  
John Gendron  
Joe Holmwood  
Mike Hutchinson  
Lars Jarvie  
Barbara Jones  
Greg Jones  
Harry Kent  
Wayne Korinek  
Karen Kurtz  
Dorinda Larsen  
Earl Lloyd  
Rich Lorig

## STAFF PRESENT (CONT.)

Greg Marek  
Jeff Martin  
Tom Mattingly  
Frank Mizner  
Ruth Ann Norris  
Teri Palmberg  
Ellen Pence  
Bill Petrie  
Don Pfohl  
Bryan Raines  
Andrea Rasizer  
Tom Remes  
Becky Richardson  
Sharon Seekins  
Roy Skaggs  
Jan Strauss  
Doug Tessendorf  
Debbie Vickman  
Jamie Warner  
Jeff Welker  
Michael Whalen  
Bob White  
Mindy White  
Others

## OTHERS PRESENT

Chris Moeser  
Ralph Pew  
Claudia Walters  
Others

Mayor Brown excused Vice Mayor Gilbert from the meeting.

1. Review items on the agenda for the November 17, 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 agenda items:

5. Consider the following contracts.

- \*c. 98 CNB conversions for various City vehicles as requested by Fleet Support Services.

The Purchasing Division recommends authorizing purchase from the State of Arizona contract with North American Fleet Services for \$494,215.60 including materials, labor, and applicable sales tax.

Mayor Brown stated concern with the costs affiliated with converting City vehicles to an alternative fuel. Mayor Brown stated that this item would be removed from the consent agenda for discussion.

- \*g. Desert Wells No. 15.

This project involves the drilling and construction of a new potable water well in the Desert Wells water zone.

Recommend award to low bidder, Zim Industries, Inc., in the amount of \$297,880.00.

In response to a question from Councilmember Giles, City Manager Charles Luster explained that the proposed water well is not part of the 100-year plan. Mr. Luster stated the well would provide water during peak times.

Councilmember Giles requested a memo outlining the City's current wells and the required number of wells during peak times.

- \*h. Police Heliport Fuel Storage Facility at Falcon Field and Lighting Improvements at the Falcon Field Police Hangar.

This project involves installing a new heliport fuel storage facility and installing lighting improvements at an existing police hangar both located at 5110 East Falcon Drive at Falcon Field Airport.

Recommend award to low bidder, Triad Technology Corporation, in the amount of \$169,000.00.

In response to a question from Councilmember Giles, Mr. Luster explained the current fuel purchase procedure utilized by Falcon Field Airport. Mr. Luster stated that the utilization of a fuel storage facility would provide savings greater than 50 percent per gallon.

Councilmember Giles requested a memo providing information detailing the time frame it will take the City to recover the initial cost of installing a fuel storage facility.

7. Consider extending the contract with U.S. Public Technologies for the camera/radar traffic enforcement system.

Mayor Brown requested that a representative from U.S. Public Technologies present an overview of the company's views on the proposed contract at the Monday, November 17, 1997 Study Session.

8. Consider the following ordinances.

- \*b. Relating to telecommunications; establishing a telecommunications license or franchise requirement; providing for the imposition and collection of rights-of-way rental fees on providers of telecommunications services; providing for location and relocation of facilities in rights-of-way; amending Title 9 of the Mesa City Code by adding a new Chapter 13; establishing a delayed effective date; providing for severability; and providing penalties for violations.

Mayor Brown stated that this item would be removed from the consent agenda to provide citizens an opportunity to speak.

9. Consider the following cases from the Planning and Zoning Board and possible adoption of the corresponding ordinances.
  - a. **Z97-75** The northeast corner of Southern Avenue and Signal Butte Road. Rezone from R1-9 to R1-6-PAD and C-2 (60± acres). This case involves development of a single-residence subdivision and a future retail parcel. Garry Jestadt, owner; Kaufman and Broad of AZ, Inc. Applicant. **CONTINUED FROM THE OCTOBER 20, 1997 REGULAR COUNCIL MEETING.**
  - b. **Z97-77** South and east of the southeast corner of Hawes Road and Guadalupe Road. Rezone from R1-43 to R1-6-PAD (95± acres). This case involves development of a single-residence subdivision. Woodside Homes, owner; Ralph Pew, applicant.

Community Development Manager Wayne Balmer informed Council that the applicants have requested that the cases be continued to the December 15, 1997 Regular Council Meeting to provide sufficient time to modify the plot plans.

Mayor Brown indicated opposition to the continuation of these cases, and stated the opinion that based on the project's inadequate lot sizes the cases should be referred back to the Planning and Zoning Board.

- d. **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. CONTINUED FROM THE OCTOBER 20, 1997 REGULAR COUNCIL MEETING.

Mr. Balmer requested that this case be continued to the December 15, 1997 Regular Council Meeting to provide staff sufficient time to review the applicant's proposed solution to the access problem.

Mayor Brown stated that this case will be added to the consent agenda for the purpose of continuance to the December 15, 1997 Regular Council Meeting.

- f. **Z97-89** The 9800 and 9900 blocks of East Southern Avenue (north side). Rezone from R1-43 to R1-6-PAD (25± acres). This case involves the development of a 166-lot subdivision. Southern & Crismon Road Property, Ltd., owner; Maracay Homes, applicant.

Mr. Balmer informed Council that a letter was recently received from the applicant requesting removal of Sunland Avenue on the north side of the project. Mr. Balmer suggested that Council refer the case back to the Planning and Zoning Board.

- \*h. **Z97-91** The southwest corner of McKellips Road and Barkley. Site Plan Modification (3.4± acres). This case involves development of a 31-lot patio home project. NUPETCO, owner; Edward James, applicant.

In response to a question from Councilmember Giles, Mr. Balmer acknowledged that the zoning case was previously approved. Mr. Balmer informed Council that staff supports the revised site plan.

Councilmember Giles expressed concern regarding the previously approved site plan. Councilmember Giles suggested that Council consider referring the case back to the Planning and Zoning Board based on the size of the lots.

2. Discuss and consider review of final subdivision plat approval process.

Planning Director Frank 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. Mr. Mizner reviewed the current final plat approval process and referred to statistics regarding changes to final plats during the past two years. Mr. Mizner said that administering a final plat in the same manner as a zoning case would create difficulties and increase expenses to both the applicant and the City. Mr. Mizner advised Council that staff recommends the following changes to the current final plat review process: 1) that all final plats on future Council agendas be accompanied by the approved preliminary plat and a brief statement as to whether any changes have been incorporated and if the changes are internal or external; 2) a staff report discussing the reasons for external changes and the likely impact on adjacent properties; and 3) a final plat with external changes that may impact existing residents, would require a staff report addressing any changes in greater detail, making a recommendation, and seeking Council direction.

Councilmember Kavanaugh indicated support for the recommended changes to the final plat review process and commended staff for their efforts in working with Council and developing the recommendations.

Councilmember Pomeroy concurred with Councilmember Kavanaugh and stated support for the proposed recommendations.

Mr. Mizner informed Council that staff would initiate the procedure during December 1997.

3. Hear a presentation and discuss a proposed Police Department construction program.

Police Chief Lars Jarvie briefly described a proposed parking garage, police substation, and holding facility to be located in the downtown area. Chief Jarvie informed Council that recently approved bond funds would be utilized to construct the facilities. Chief Jarvie informed Council that the holding facility would be constructed upon the completion of the parking garage and police substation if funds are available. Chief Jarvie spoke of statistics reported by the Arizona Criminal Justice System and noted that increased population and crime are prime factors effecting the workload of the criminal justice system. Chief Jarvie stated that forecasts indicate that the workload in the criminal justice system will increase over the next 10 years. Chief Jarvie advised Council of the increase in bookings and arrests in Mesa between 1986 and 1996 and noted that it is anticipated the City will grow approximately 3 percent per year. Chief Jarvie stated that the proposed facilities would assist the Police Department in meeting current and future needs.

Assistant Police Chief Michael Whalen referred to a site plan and indicated that the facilities would be located between Second Street and First Street, Morris Street and Robson Street. Chief Whalen stated that the project is currently in the design stage. Chief Whalen indicated that the parking garage would provide 889 parking spaces and assist in eliminating the utilization of the street for parking. Chief Whalen noted that the facility could be increased to 1,580 spaces in the future. Chief Whalen described the substation and noted that 150 employees would occupy the 30,000 square foot facility. Chief Whalen explained that the facility would be constructed to accommodate two additional floors in the future. Chief Whalen advised that the proposed holding facility would be three-levels with one-level below grade. Chief Whalen said that staff anticipates receiving bids during the spring of 1998 for the parking garage and substation.

In response to a question from Councilmember Kavanaugh, Chief Whalen advised that the Engineering Department and the Downtown Development Committee (DDC) provided suggestions during the design stage. Chief Whalen informed Council that staff will meet with the DDC during December 1997 to discuss the development of the facilities.

Councilmember Kavanaugh stressed the importance of the DDC and the community being involved during the early stages of developing a project.

Community Development Manager Wayne Balmer spoke of the project's design phase and confirmed that the DDC will discuss the proposed facilities during a December 1997 meeting. Mr. Balmer advised that staff is working with the Police Department to develop the appropriate material for the DDC's review.

Councilmember Giles suggested that staff research the option to increase the number of holding cells at the substations and conducting arraignments through closed-circuit television.

In response to Councilmember Giles, Chief Jarvie indicated that staff will research all options and explained that the holding facility would accommodate misdemeanor prisoners.

In response to a question from Mayor Brown and Councilmember Kavanaugh, City Manager Charles Luster stated that a report of funds disbursed to date for this project will be provided to Council.

Mayor Brown thanked Chief Jarvie and Chief Whalen for the report.

4. Discuss and consider proposed amendments to the pool fence ordinance.

Mayor Brown stated that this item has been continued to a future Study Session.

5. Hear a presentation and discuss the City's Continuous Quality Improvement Program (CQI).

Assistant City Manager Mike Hutchinson provided a brief history of the development of the Continuous Quality Improvement (CQI) program and informed Council that the new City mission and motto and the community spirit team, were developed through the CQI program.

Quality and Productivity Director Mike Brennan briefly described the CQI program and its impact on the staff and community. Mr. Brennan referred to a brochure and presented an 8-minute video on the CQI program and staff's accomplishments. Mr. Brennan explained that the CQI program was developed to focus on customers' needs, use additional data and analysis in the decision making process, and involve everyone in the improvement process. Mr. Brennan advised Council of the strategies developed to implement the CQI program.

Councilmember Payne expressed concern regarding the CQI program and the challenges staff may encounter. Councilmember Payne emphasized the importance of focusing and maintaining the goals referred to in the CQI mission statement in developing and implementing the program.

Mayor Brown thanked Mr. Brennan for the presentation.

6. Discuss and consider proposed changes to the City's organizational structure.

Mayor Brown stated that this item has been continued to a future Study Session.

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

- a. Industrial Development Authority Board meeting held October 28, 1997
- b. Adjustment Board meeting held October 29, 1997
- c. Library Advisory Board meeting held November 4, 1997

- d. Design Review Board meeting held November 5, 1997

It was moved by Councilmember Giles, seconded by Councilmember Pomeroy, that receipt of the minutes of various boards and committees be acknowledged.

Carried unanimously.

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

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

9. Scheduling of meetings and general information.

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

Monday, November 17, 1997, 5:45 p.m. - Regular Council Meeting

Friday, November 21, 1997, Study Session (immediately following the joint meeting with the Mesa Public School Board)

10. Prescheduled public opinion appearances.

- a. Hear from Ray Gomez regarding park rangers.

Mr. Gomez was not present to speak at this time.

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

Manny Lerma, Jr., representing U.S. West Communications, 3033 North Third Street, spoke in opposition to the proposed telecommunications ordinance. Mr. Lerma expressed concern that the proposed ordinance exceeds the City's authority. Mr. Lerma stated the opinion that the City is proposing a tax to businesses operating in the right-of-way and noted that a Transaction Privilege Tax License or franchise fee would be better solutions. Mr. Lerma indicated that the passage of the proposed ordinance might generate legal action.

Webb Crockett, attorney with Fennemore Craig representing U.S. West New Vector/Air Touch Communications, 3003 North Central, spoke of franchise fees and whether they may be required from telecommunication industries. Mr. Crockett informed Council that U.S. West currently does not have a franchise with any city or town in Arizona. Mr. Crockett expressed concern regarding the definition of reasonable fees.

John Badel, representing AT&T, 2800 North Central, spoke of difficulties encountered in establishing an agreement with the League of Arizona Cities and Towns. Mr. Badel informed Council that AT&T has created an alternate proposal and briefly explained the differences in the fees charged.

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12. Adjournment.

Without objection, the Study Session adjourned at 9:04 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 November 1997. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 4<sup>th</sup> day of December 1997

BARBARA JONES, CITY CLERK