



# COUNCIL MINUTES

July 15, 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 July 15, 1999 at 7:30 a.m.

## COUNCIL PRESENT

Mayor Wayne Brown  
Jim Davidson  
John Giles  
Keno Hawker  
Bill Jaffa  
Dennis Kavanaugh

## COUNCIL ABSENT

Pat Pomeroy

## STAFF PRESENT

C.K. Luster  
Kevin Adam  
Vince Anderson  
Joan Baier  
Wayne Balmer  
Neal Beets  
Denise Bleyle  
Randy Booze  
Jamie Brennan  
Candace Cannistraro  
Dennis Compton  
Fred Conway  
Linda Crocker  
Jack Friedline  
Mike Hutchinson  
Barbara Jones  
Karen Kille  
Wayne Korinek  
Ron Krosting  
Dorinda Larsen  
Rich Lorig  
Jeff Martin  
Frank Mizner  
Keith Nath  
Ruth Anne Norris

## STAFF PRESENT (CONT.)

Joe Padilla  
Terri Palmberg  
Ellen Pence  
David Plumb  
Bryan Raines  
Andrea Rasizer  
Tom Remes  
Regan Robbins  
John Smoyer  
Doug Tessendorf  
Lois Underdah  
Kim West  
Mindy White  
Larry Woolf  
Debbie Yukolis  
Others

## OTHERS PRESENT

Janet Haywood  
Barrett Marson  
Jill Moffler  
Robbie Sherwood  
Others

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

Mayor Brown excused Councilmember Pomeroy from the meeting and Councilmember Jaffa from the beginning of the meeting. Councilmember Jaffa joined the meeting at 7:37 a.m.

1. Review items on the agenda for the July 19, 1999 Regular Council meeting.

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

5. Consider the following contracts:

- \*d. One digital publication scanner for the Mesa Room at the main Library. This equipment is used to scan and reproduce documents from large books, magazines and archival materials.

In response to a question from Councilmember Hawker, Library Director Vince Anderson discussed proposed uses for the equipment.

- \*h. Brimhall Junior High School Pool, City of Mesa Project No. 99-20.

Councilmember Hawker commented on the fact that the proposed bid award is substantially less than previously anticipated.

In response to a request from Councilmember Davidson, Mayor Brown advised that this item will be removed from the consent agenda.

6. Introduction of the following ordinances and setting August 2, 1999 as the date of the public hearing on the ordinances:

- \*u. Relating to animals, public health and public nuisances.

Mayor Brown stated that this item will be removed from the consent agenda.

7. Consider the following resolution:

- \*a. Approving and authorizing the City Manager to execute a license agreement between the Salt River Project Agricultural Improvement and Power District and the City of Mesa for the purpose of making specific improvements to canal banks and using them for recreational purposes.

Councilmember Davidson indicated that he had a potential conflict of interest in connection with the matter currently under discussion which he wanted reflected in the minutes of the meeting and because of such conflict, he would refrain from discussing and/or participating in any manner in connection with same.

Mayor Brown advised that this item will be removed from the consent agenda.

10. Consider authorizing the City Manager to execute a Loan Agreement with the Williams Gateway Airport Authority for the purpose of complying with FAA regulations and Congressional legislation regarding reimbursement of funds disbursed to the Airport Authority.

Councilmember Jaffa indicated that he had a potential conflict of interest in the matter currently under discussion which he wanted reflected in the minutes of the meeting and because of such conflict he would refrain from discussing and/or participating in any manner in connection with same.

Community Development Manager Wayne Balmer provided a brief overview of this agenda item and noted that the Loan Agreement process will comply with Federal Aviation Authority regulations regarding the City's reimbursement of loans previously granted to the Williams Gateway Airport Authority.

11. Consider the following cases from the Planning and Zoning Board and possible adoption of the corresponding ordinances:
  - a. Z99-45 – The 2200 block of North Center (west side).

Vice Mayor Giles commented on the fact that a letter has been received from the Police Department expressing concern regarding the close proximity of the Department's firing range to the proposed development. Vice Mayor Giles requested input from staff regarding this issue.

City Manager Charles Luster advised that Police Chief Jan Strauss is currently on vacation and informed the Council that the Police Department's opposition centers around the fact that the firing range is currently the subject of noise complaints from residents in the area and the fact that additional residential development may increase the amount of complaints generated regarding that facility.

Discussion ensued relative to noise attenuation efforts, a recommendation from Councilmember Hawker that the Council review pre-existing zoning in the area and determine what should occur in that area in the future, the fact that the extension of the Red Mountain Freeway will be located close to this area, the fact that the applicant has been made aware of existing constraints in the area and has made a commitment to notify potential homebuyers in writing of these conditions, the fact that there are no plans to relocate the firing range in the foreseeable future and difficulties associated with relocating that type of facility.

In response to a request for input from Mayor Brown, Joan Moffler, a resident in the area currently under discussion, informed the Council that the residents are dissatisfied with the applicant's efforts to address their concerns. Ms. Moffler added that the residents are willing to work with the developer in an effort to arrive at a mutually acceptable compromise agreement.

Mayor Brown thanked Ms. Moffler for her input.

2. Discuss and consider a resolution establishing a City policy addressing the reclassification of real and personal property tax under a Foreign Trade Zone designation.

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.

Community Development Manager Wayne Balmer provided the Council with a brief overview of this agenda item relative to establishing a City policy and adopting a resolution addressing the reclassification of real and personal property tax under a Foreign Trade Zone (FTZ) designation. Mr. Balmer advised that the City of Mesa is the Grantee of General-Purpose (GP) Foreign Trade Zone No. 221 located at Williams Gateway Airport and noted that the GPFTZ was approved by the FTZ Board in May 1997. Mr. Balmer stated that as part of the approval process, the City of Mesa was granted the authority to establish Special-Purpose (SP) Foreign Trade Zones for projects that cannot be accommodated with an existing GPFTZ at Williams Gateway Airport.

Mr. Balmer reported that Arizona Revised Statutes allows all real and personal property within an approved and activated FTZ or Sub-Zone to be reclassified and taxed at 5% of their full cash value, rather than at 25%, which would otherwise be the case. Mr. Balmer also emphasized staff's opinion that the promotion of the

use of the FTZ should not result in any way in a reduction of the property tax base supporting local schools and other property taxing entities and presented a brief synopsis of a proposed policy relative to this issue. Mr. Balmer stated the opinion that the result of the proposed policy would be to encourage the use of the FTZ to promote business expansion and discourage the use of a FTZ to reduce a company's current tax rate.

Mayor Brown thanked Mr. Balmer for his input and requested that City Attorney Neal Beets review this matter and present his recommendations to the Council prior to the July 19, 1999 Regular Council Meeting.

Mr. Balmer indicated that this issue may be further delayed should Mr. Beets require additional time in which to review this matter.

3. Discuss and consider the Growing Smarter Commission draft report.

Planning Director Frank Mizner and Government Relations Assistant Kevin Adam addressed the Council relative to this agenda item. Mr. Mizner presented a brief overview of scheduled meetings and a proposed time line for the Growing Smarter Program and noted that the East Valley meeting will be held this afternoon at ASU East Campus Union Ballroom at Williams Gateway Airport.

Mr. Adam noted that the Commission's intent is to conduct public hearings throughout the State in an effort to solicit information and input on the current draft report. Mr. Adam added that based on the input received, possible legislative action to further revise the Growing Smarter program will be implemented.

Mr. Mizner noted that the Growing Smarter report is a complicated document which addresses a wide variety of planning, land use and regulatory issues. Mr. Mizner discussed the fact that the entire proposal has been the subject of controversy and stated the opinion that the State acted upon the issue of growth only because of the threat of the enactment of a proposed citizen growth management initiative. Mr. Mizner noted that since the legislation was adopted, efforts on the part of rural legislators, private property rights advocates and special interest groups to overturn and/or weaken various provisions continue. Mr. Mizner informed the Council that a citizen initiative, which lists Grant Woods as the main spokesman, is being circulated and will likely be placed on the ballot of the November 2000 election.

Mr. Mizner discussed staff's concerns that the public and informal meetings, particularly in rural areas, will be dominated by private property rights advocates and those who oppose any type of land use regulation or mandatory planning. Mr. Mizner discussed the three specific areas of concern, citizen participation, lot splits and private property rights language and outlined proposed recommendations from staff. Mr. Mizner stated that the Commission has requested input from local public officials on the Growing Smarter program and proposal.

Mayor Brown recommended that staff prepare a draft resolution which lists the various concerns that have been discussed, contains recommendations as presented by staff, and outlines the Council's stand on this issue. Mayor Brown added that members of the Council may wish to attend the afternoon meeting and comment on this matter.

Mayor Brown thanked staff for their input.

4. Appointments to boards and committees.

Mayor Brown recommended the following appointments to Boards and Committees:

CRIME PREVENTION ADVISORY BOARD

Scott Forkenbrock: Term to expire June 30, 2002

TRANSPORTATION ADVISORY BOARD

Mark Bankhead: Term to expire June 30, 2000

HUMAN RELATIONS ADVISORY BOARD

Teresa Brice-Heames: Term to expire June 30, 2002  
Barbara Carpenter : Term to expire June 30, 2001  
Cecelia Chavez-Protas: Term to expire June 30, 2000  
Fernando Cordova: Term to expire June 30, 2002  
Margie Frost: Term to expire June 30, 2001  
John Goodie: Term to expire June 30, 2000  
Len Kotsur: Term to expire June 30, 2002  
David Luna: Term to expire June 30, 2001  
Randy Robinson: Term to expire June 30, 2000  
Dawn Baldry-Schween: Term to expire June 30, 2002  
Judy Taussig: Term to expire June 30, 2001

It was moved by Councilmember Kavanaugh, seconded by Vice Mayor Giles, that the Council concur with the Mayor's recommendations and the appointments be confirmed.

Mayor Brown declared the motion carried unanimously by those present.

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

a. Adjustment Board meeting held June 29, 1999.

It was moved by Vice Mayor Giles, seconded by Councilmember Kavanaugh, that receipt of the above listed minutes be acknowledged.

Mayor Brown declared the motion carried unanimously by those present.

6. Hear reports on meeting and/or conferences attended.

Mayor Brown advised that there were no meetings and/or conferences attended to report on at this time.

7. Scheduling of meetings and general information.

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

Monday, July 19, 1999, 5:45 p.m. - Regular Session

Wednesday, July 21, 1999, 3:00 p.m. - Joint Transportation Advisory/Transportation Committee Meeting

Thursday, July 22, 1999, 7:30 a.m. - Study Session

8. Prescheduled public opinion appearances (there will be a maximum of three speakers for three minutes per speaker).

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

9. Items from citizens present. (Maximum of three speakers for three minutes per speaker).

Mayor Brown advised that there were no items from citizens present.

10. Adjournment.

Without objection, the Study Session adjourned at 8:20 a.m.

Carried unanimously.

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WAYNE BROWN, MAYOR

ATTEST:

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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 15th day of July, 1999. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this \_\_\_\_ day of \_\_\_\_\_ 1999

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BARBARA JONES, CITY CLERK