

# COUNCIL MINUTES

January 17, 2002

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 17, 2002 at 7:30 a.m.

**COUNCIL PRESENT**

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

**COUNCIL ABSENT**

None

**OFFICERS PRESENT**

Mike Hutchinson  
Deborah Spinner  
Barbara Jones

1. Discuss and consider issues associated with the Mesa Arts Center.

Arts and Cultural Director Gerry Gerber introduced Rick Pfannenstiel of Kitchell Contractors, the Construction Manager of the project; Mary Jo Whalen, Chairman of the Design Committee; Joanie Flatt, President of the Mesa Arts and Entertainment Alliance (Alliance); and City Engineer Keith Nath.

a. Hear an update on the Mesa Arts Center construction schedule.

Ms. Gerber provided a brief historical chronology pertaining to the design and construction document phases of this project and said that the second Building Safety review of the construction documents is almost complete. Ms. Gerber outlined the future construction schedule, including: 1) release bid documents on January 24, 2002; 2) bids opened on March 7, 2002; 3) contract will come before Council for award in late March or early April 2002; 4) groundbreaking will occur in late April or early May 2002; 5) construction period will be 30 months, anticipated completion date is December 2004; and 6) move-in and occupancy will occur from December 2004 through March 2005.

Councilmember Kavanaugh commented on the project schedule and said that considering the magnitude of the project, the delay has been minimal and he commended the Design Committee and staff for their work to date. He added that in light of the current slow down in the economy, the delay might serve to benefit the City through lowered construction bids.

In response to a request from Councilmember Pomeroy, Ms. Gerber described the auditoriums and other facilities of the Mesa Arts Center, including: 1) four theaters consisting of 1600, 550, 200 and 99 seats; 2) a studios building that will accommodate 14 visual and performing arts classrooms; 3) five galleries for Mesa Contemporary Arts; and 4) a 660 foot long interior plaza that will connect the three buildings. She also compared the various auditoriums with existing comparable facilities in the Phoenix metropolitan area.

Mr. Pfannenstiel concurred with Councilmember Kavanaugh's comments regarding the opportune timing of the bid process.

Vice Mayor Davidson spoke in support of the fact that the facility will be family oriented and provide opportunities for children to learn about and appreciate performing and visual arts.

In response to a question from Councilmember Whalen, Ms. Gerber advised that the two theaters that will not be completed in conjunction with the existing budget and project schedule are the 200 seat "Playhouse" theater and the 99 seat "Black Box" theater. She noted that the existing budget only accommodates shelling these two theaters. She added that one of the goals of the Alliance is to raise \$2.7 million to complete both theaters.

Councilmember Walters voiced appreciation for the committed efforts of Mary Jo Whalen, Kathye Brown and Joanie Flatt concerning this project. She requested that consideration be given to inviting various national artists and entertainers who are from Mesa to participate in the Grand Opening of the Center.

Discussion ensued regarding water features that are incorporated into the design of the Center and the fact that the "cloud" feature was deleted from the project.

b. Hear, discuss and consider the Memorandum of Understanding with the Mesa Arts and Entertainment Alliance pertaining to fundraising.

Ms. Gerber introduced Kathye Brown and noted that Mrs. Brown and former Mayor Wayne Brown are the co-chairs of the Mesa Arts Center fund raising campaign.

Ms. Flatt provided a brief overview of the work that has occurred in preparing the proposed Memorandum of Understanding (MOU) and she commented on the good working relationship that exists between the Alliance and the City. She reported that the Alliance is committed to raising the \$2.7 million needed to finish the two small theaters and also \$1 million to begin an endowment fund. She said that the Alliance recommends that the Council approve the proposed MOU.

At the request of Mayor Hawker, Councilmember Kavanaugh provided a general overview of various provisions of the MOU, including provisions addressing the inclusion of a City representative on the Alliance Board; a requirement for notice to the City regarding fund raising projects; review and approval by a City representative of fund raising materials and solicitations used by the Alliance; a reporting system for both entities to account for monies that are received; provisions regarding conflicts of interest; a provision requiring liability coverage; a three-year term subject to extension, and a provision to end the agreement. He said that the MOU sets out the responsibilities of both parties, provides protection for both parties, provides

good record-keeping and fiscal responsibility and designates the Alliance as the City's primary fund raising organization for the Mesa Arts Center.

In response to a question from Councilmember Pomeroy regarding the City's consultant on this project, Ms. Gerber advised that Young and Company will continue its role as the City's consultant through the middle of fiscal year 2002/03 and that costs for the consultant are included in the Arts and Cultural Division budget and funded through Quality of Life taxes.

In response to a question from Councilmember Pomeroy, Ms. Gerber reported that the two staff positions provided by the City in connection with this project include a Development Officer and an Administrative Support Assistant. She said that these positions were initially approved in 1998 in conjunction with the Arts and Cultural Division budget, as permanent positions to support the new Mesa Arts Center.

Vice Mayor Davidson commented on his tour of the new arts center in Newark, New Jersey. He noted that the New Jersey center was heavily supported by various corporate entities and he urged the Alliance to solicit contributions from corporations and small businesses in this region.

Ms. Flatt stated that the Alliance's fund raising efforts will focus primarily on individuals and families in the community and thereafter expand to include corporate and foundation donors.

Discussion ensued concerning the role and duties of the Cultural Development Coordinator; the various contributions made by the City to the campaign in terms of staff, office facilities, computer equipment and other items; the fact that if capital contributions exceed \$2.7 million, the Alliance will seek approval from donors to transfer contributions to the endowment fund; and the fact that the MOU does not limit the endowment fund to \$1 million.

In response to a question from Mayor Hawker regarding the provision for a City representative as an "ex officio non-voting member" of the Alliance's Board of Directors, Ms. Gerber advised that the purpose of this provision is to ensure a liaison relationship with the Board. She added that it was the City's preference that the City's representative on the Board be precluded from voting.

Discussion ensued regarding the fact that the current City representative on the Alliance Board is Ms. Gerber, the fact that Ms. Gerber was appointed by City Manager Mike Hutchinson to serve in this capacity, whether the language of this provision should clearly state that this appointment to the Board shall be made by the City Manager, interest earned from contributions, materials to be used for solicitation purposes, and the fact that the Alliance purchased automobile liability coverage applicable to volunteers soliciting contributions.

It was moved by Councilmember Pomeroy, seconded by Councilmember Kavanaugh, that the Memorandum of Understanding with the Mesa Arts and Entertainment Alliance pertaining to fundraising, be approved in principle.

Councilmember Jaffa voiced concerns regarding the term "MOU" and stated the opinion that the document would be more appropriately called an Agreement.

City Attorney Debbie Spinner stated that staff would have no objections to changing the name of the document to an Agreement.

Ms. Flatt noted that the MOU is also repeatedly referred to as an agreement throughout the body of the MOU.

Councilmember Pomeroy indicated opposition to renaming the document.

In response to a question from Councilmember Jaffa, Deputy City Attorney Joe Padilla commented on the issue of including a City employee on the Alliance Board of Directors and reported that it is staff's opinion that vesting the City employee with voting rights on this particular Board may result in a conflict of interest for the City.

Mayor Hawker and Councilmember Jaffa indicated support for the provision as written pertaining to the inclusion of a City representative (employee) on the Board as an "*ex-officio* non-voting member."

Discussion ensued regarding the possibility of including a Councilmember on the Alliance Board of Directors.

Councilmember Jaffa requested that the Council reconsider this issue in the future.

Councilmembers Kavanaugh and Walters voiced support for considering this issue within the context and at the time of overall consideration of Councilmembers' duties and participation on other Committees and Boards.

Discussion ensued regarding whether Alliance Board members are subject to the same conflict of interest standards as Councilmembers and City employees.

(Mayor Hawker excused Councilmember Whalen from the remainder of the meeting at 8:25 a.m.)

Mayor Hawker declared the motion carried unanimously by those present.

c. Hear an update on the Mesa Arts Center fund raising efforts.

Ms. Gerber explained that the fund raising campaign is currently in the "quiet phase," that groundwork is being laid for the campaign and that the public campaign has not yet been launched.

Ms. Flatt advised that although the official fund raising campaign has not been launched, the Alliance currently has received approximately \$500,000 in pledges from Alliance Board members and voiced appreciation for the level of commitment demonstrated by the Board members.

2. Hear an update and consider issues associated with the proposed site(s) for the Multipurpose Facility.

City Manager Mike Hutchinson addressed the Council and commented on recent meetings of the Tourism and Sports Authority (TSA). He reported that the TSA recently extended the deadline for submitting proposals until February 15, 2002; and that the TSA is expected to address numerous questions and issues raised by the various communities later this week, including the issue of ticket surcharges as a means of additional revenue for the host community. He noted that City staff will meet with the TSA staff on January 22, 2002.

Mr. Hutchinson reported that the TSA also recently announced that the Cardinals have indicated an interest in partnering with the host community and he noted that this represents a significant opportunity to possibly bridge the gap between project costs versus revenues. He said that staff will explore this possibility with the Cardinals within the next few days. Mr. Hutchinson reported that staff's analysis of costs and revenues is not yet complete.

Mr. Hutchinson stated that in addition to requiring soil/environmental tests, the TSA recently announced that a preliminary traffic management study must also be conducted. He reported that the soil/environmental testing costs are estimated at \$25,000 and that the estimated traffic study cost is \$10,000. He noted that the Council will be asked to consider approval of these costs later this month.

In response to a question from Mayor Hawker, Mr. Hutchinson said that if the Council elects to move forward with the process, the decision to approve the soil/environmental tests and the traffic study must be made by January 28, 2002 in order to submit a complete proposal on February 15.

Mayor Hawker requested that the Council be updated regarding this issue at the January 24, 2002 Study Session.

Councilmember Jaffa voiced appreciation to staff for the frequent updates and commented on the high level of citizen interest in the issue and the importance of keeping the community apprised of developments. He stated the opinion that it is critical that the City pursue and consider partnerships with neighboring communities and the Arizona Cardinals concerning this project.

3. Acknowledge receipt of minutes of boards and committees.

- a. Human Relations Advisory Board meeting held December 12, 2001.
- b. Judicial Advisory Board meeting held December 5, 2001.

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

Mayor Hawker declared the motion carried unanimously by those present.

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

Vice Mayor Davidson reported on his attendance at a recent Housing Round Table meeting and noted that the meeting was well attended and garnered significant public comment concerning the General Plan's Housing Master Plan.

Councilmember Walters discussed the Mesa United Way "Ready to Learn" Program and noted that a guest speaker from the Baylor School of Medicine will comment on the importance of early brain development at a United Way meeting in early February. She requested that a United Way presentation be scheduled at a Study Session in February or March to update the Council on this issue.

Councilmember Walters also commented on her recent inspection of the progress of improvements at Webster Gym and on the benefits this facility will provide neighborhood residents.

Mayor Hawker commented on the success of the Red Mountain Freeway opening event on January 12, 2002.

Mayor Hawker reported on his participation in a recent Maricopa Association of Governments (MAG) retreat that addressed governance issues and Growing Smarter issues. He also provided a brief overview of the issues discussed at the retreat, including expansion of the MAG Executive Committee, Maricopa County's interest in governing roads of regional significance, and the importance of future land use planning in conjunction with regional transportation networks and utilities infrastructure.

Vice Mayor Davidson discussed the recent Transportation Advisory Board meeting and noted that street design issues were considered at the meeting.

Mayor Hawker said that he attended State of the City addresses in Scottsdale, Gilbert and Queen Creek and he noted that regional cooperation was a common theme in each of the addresses.

5. Scheduling of meetings and general information.

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

Friday, January 18, 2002, 3:00 p.m. – Special Council Meeting

Thursday, January 24, 2002, 7:30 a.m. – Study Session

Thursday, January 24, 2002, 9:30 a.m. – Police Committee Meeting (CANCELLED)

Monday, January 28, 2002, TBA – Study Session

Monday, January 28, 2002, 5:45 p.m. – Regular Council Meeting

Thursday, January 31, 2002, 7:30 a.m. – Study Session

Monday, February 4, 2002, TBA – Study Session

Monday, February 4, 2002, 5:45 p.m. – Regular Council Meeting

Assistant to the City Manager Ellen Pence provided an overview regarding City events planned in connection with the Martin Luther King, Jr. holiday, including a candlelight service on Saturday, January 19, 2002 at 6:00 p.m. at Trinity Baptist Church, 2130 E. University Drive; a breakfast on Monday, January 21, 2002, followed by a parade along Main Street beginning at 11:00 a.m.; and a festival in the afternoon until 4:00 p.m. at the Mesa Amphitheatre.

6. Prescheduled public opinion appearances.

There were no prescheduled public opinion appearances.

7. Items from citizens present.

Barbara Carpenter, 7130-6 E. Saddleback Street, addressed the Council and urged citizens to attend the events planned to celebrate the Martin Luther King, Jr. holiday. She noted that the City's Human Relations Advisory Board will be marching in the parade and she voiced appreciation for their work and contribution to the community.

8. Adjournment.

It was moved by Vice Mayor Davidson, seconded by Councilmember Jaffa, that the Study Session adjourn at 9:09 a.m.

Carried unanimously.

\_\_\_\_\_  
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 17<sup>th</sup> day of January 2002. I further certify that the meeting was duly called and held and that a quorum was present.

\_\_\_\_\_  
BARBARA JONES, CITY CLERK

pjt