

COUNCIL MINUTES

March 18, 2002

The City Council of the City of Mesa met in a Regular Council Meeting in the Council Chambers, 57 East 1st Street, on March 18, 2002 at 5:48 p.m.

COUNCIL PRESENT

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

COUNCIL ABSENT

None

OFFICERS PRESENT

Mike Hutchinson
Debbie Spinner
Barbara Jones

Invocation by Dr. Brant D. Baker, First Presbyterian Church, Mesa.

Pledge of Allegiance was led by Brady Skidmore, Boy Scout Troop # 538.

Mayor Hawker welcomed everyone to the meeting.

1. Consider all consent agenda items.

At this time, all matters on the consent agenda were considered or were removed at the request of a member of the Council. All items identified with an asterisk (*) were approved with one Council action.

It was moved by Vice Mayor Davidson, seconded by Councilmember Kavanaugh, that the consent agenda items be approved.

Carried unanimously.

*2. Approval of minutes of previous meetings as written.

Minutes of the March 4 and 14, 2002 Council meetings.

3. Conduct a public hearing on the proposed FY 2002/2003 Community Development Block Grant Program (CDBG), Emergency Shelter Grant Program (ESG), and Home Investment Partnerships Program (HOME).

Mayor Hawker announced that this is the time and place for a public hearing regarding the proposed FY 2002/2003 Community Development Block Grant Program (CDBG), Emergency Shelter Grant Program (ESG), and Home Investment Partnerships Program (HOME).

Councilmember Whalen declared a potential conflict of interest on this agenda item and said that he would refrain from discussion/participation on this item.

Chris Miller, 117 North Wilbur, addressed the Council relative to this agenda item. She spoke in support of the staff's recommendation and thanked the Community Revitalization staff, Historical Preservation and Redevelopment Office staff, the Historic Preservation Committee, and Neighborhood Economic Development Corporation (NEDCO) for their efforts and hard work in developing the proposed programs.

Vicki Kringen, 6657 E. Indigo, President of the NEDCO Board, thanked the Council for its recognition of the importance of neighborhood economic development and community revitalization through its continued support of NEDCO. She also stated that Council support has enabled NEDCO to bring new capital into the community through private and Federal resources.

Walt McIver, 440 East 1st Avenue, Chairman of the Temple Historic District, expressed opposition to the utilization of CDBG funds for the establishment of a day labor center. He expressed the opinion that the construction of a permanent structure would be inappropriate and suggested that portable buildings would be more suitable.

David Richins, 833 West 11th Place, concurred with Ms. Miller and Ms. Kringen's comments and urged Council support for NEDCO's application for CDBG funds.

Bob Parker, 534 West 1st Street, also concurred with the previous speakers regarding the important contributions NEDCO has made to the community.

The following citizens spoke in support of CDBG funds being utilized for a day labor center:

Carlos Vallejo	4238 E. Holmes Circle
Manny Cortez	2837 E. Emelita
Phillip Austin	215 North Robson
Napoleon Pisano	8534 E. Grandview

Citizens spoke in support of CDBG funds being utilized for a day labor center for the following reasons:

- Other cities are looking to the City of Mesa to assume a leadership role regarding this matter because it is not just a local concern, but a regional issue;
- A day labor center would provide the workers with a safe and secure environment and get them off the streets;
- The establishment of a day labor center would provide the City with an opportunity to build a strong bond with the Hispanic community;

- The failure to provide funding for a day labor center will be perceived as an empty promise by the City regarding this issue.

In response to a series of questions from Mayor Hawker, Community Revitalization Director Kit Kelly clarified that the purpose of tonight's public hearing is to garner citizen input which will assist staff in developing the FY 2002/2003 funding plan for the CDBG, HOME and ESG programs. She explained that staff has prepared funding recommendations from the applications which were received and those recommendations have been forwarded to the Council. Ms. Kelly stated that it is staff's recommendation that funds be allocated as an alternate to provide support to a day labor center and that the funds be utilized for site improvements and the center's operation. She added that if additional funds are available through the City's contingency program or additional projects are eliminated, the City would have monies available to fund identified alternate projects. Ms. Kelly advised that staff will continue to accept written comments through April 10, and at the April 1, 2002 Regular Council meeting, staff will request Council adoption of the proposed funding programs. She noted that citizens may send comments to her at the City of Mesa, Community Revitalization Office, P.O. Box 1466, Mesa, Arizona 85211-1466, or they may call 480-644-2168.

There being no additional citizens present wishing to speak on this issue, the Mayor declared the public hearing closed.

4. Consider the following liquor license applications:

*a. AMIRA Z. MANSOUR, AGENT

New Beer and Wine Store License for Dobson Ranch Market, 1657 S. Dobson Road. This is a new business which is currently under construction. No previous liquor licenses at this location.

5. Consider the following contracts:

*a. Two-year supply contract for emergency directional light system as requested by the Communications Division.

The Purchasing Division recommends accepting the low bid meeting specification by The Lighthouse, Inc. (alternate bid) for annual purchases estimated at \$26,000.00 based on estimated annual requirements.

*b. Two-year renewal of the supply contract for emergency vehicle lightbars as requested by the Communications Division.

The Purchasing Division recommends exercising the two-year renewal option with the original low bidder, Tomar Electronics, at \$77,287.86 based on estimated annual requirements.

*c. Two-year supply contract for painting services as requested by the Facilities Maintenance Division.

The Purchasing Division recommends accepting the lowest priced proposal by Larkin Painting Contractors, Inc. for annual expenditures estimated at \$65,000.

- *d. Additional expenditure authority and two-year renewal of the Supply Contract for Personal Computer Hardware Maintenance Services as requested by the Information Services Division (ISD).

The Purchasing Division recommends authorizing the following expenditures with Signature Technologies Group, Inc:

- (1) a \$75,000 increase for the remaining term of the initial contract, and
- (2) exercise the two-year renewal option effective May 1, 2002, for total annual estimated expenditures of \$348,000.

The combined award is \$415,248.00 based on estimated expenditures as indicated.

- *e. Replacement Mainframe Processor as requested by the Information Services Division (ISD).

The Purchasing Division recommends exercising a purchase option from RFP #98049 to replace the currently installed Amdahl Millennium 535 Processor with an Amdahl 1025 CMOS Processor for a total of \$195,898.82, including applicable sales tax (**Sole Source**).

- *f. Purchase five new modular workstations and relocate 29 existing workstations in the Utilities Department.

The Purchasing Division recommends authorizing purchase from the State of Arizona contract with Goodmans at \$35,480.29 including design, installation, deliver and applicable sales tax.

- g. Higley Road Improvements, McDowell Road to Red Mountain Freeway. City of Mesa Project No. 01-085.

This project will improve Higley Road to three lanes plus a bicycle lane in each direction, and add dual left-turn lanes at McDowell Road, raised landscaped median, storm drain, street lighting and water lines from McDowell Road to the Red Mountain Freeway.

Recommend award to low bidder, Archon, Inc., in the amount of \$1,324,985.90 plus an additional \$132,498.59 (10% allowance for change orders) for a total award of \$1,457,484.49.

Mayor Hawker declared a potential conflict of interest on agenda items 5g, h and i and said he would refrain from discussion/participation on these items.

Mayor Hawker yielded the gavel to Vice Mayor Davidson for action on agenda items 5g, h and i.

It was moved by Councilmember Kavanaugh, seconded by Councilmember Walters, that the recommendation of staff be approved.

Vice Mayor Davidson expressed appreciation to the Arizona Department of Transportation (ADOT) and staff for their efforts and hard work to accelerate the construction of the Red Mountain Freeway and also the City's arterial streets to aid in the flow of traffic in East Mesa.

Upon tabulation of votes, it showed:

AYES - Davidson-Jaffa-Kavanaugh-Pomeroy-Walters-Whalen
ABSTAIN - Hawker

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

h. Fire Station No. 217 City of Mesa Project No. 01-25

Station 217 will serve the rapidly growing area around Baseline and Signal Butte Roads in southeast Mesa.

Recommend award to low bidder, Diamond Building Group, Inc., in the amount of \$1,749,998.57 (10% allowance for change orders) for a total award of \$1,924,998.57.

It was moved by Councilmember Pomeroy, seconded by Councilmember Walters, that the recommendation of staff be approved.

Councilmember Pomeroy, as Chairman of the Fire Committee, noted that the construction of the new fire station will greatly enhance the Fire Department's response time in southeast Mesa and will also provide citizens with a community room for life safety education classes and neighborhood meetings.

Councilmember Walters acknowledged the members of the Fire Committee for their hard work and efforts in working with the City's Fire Department to ensure that the rapidly growing area of southeast Mesa is adequately served.

Upon tabulation of votes, it showed:

AYES - Davidson-Jaffa-Kavanaugh-Pomeroy-Walters-Whalen
ABSTAIN - Hawker

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

i. Transit Maintenance Facility City of Mesa Project No. 99-075.

This facility will provide for maintenance of the City's bus fleet currently performed at the East Mesa Service Center, and will provide a base for a transit management and operations.

Recommend award to low bidder, D.L. Withers Construction, in the amount of \$13,605,600.00 plus an additional \$1,360,560.00 (10% will allow for change orders) for a total award of \$14,966,160.00.

It was moved by Councilmember Kavanaugh, seconded by Councilmember Pomeroy, that the recommendation of staff be approved.

Councilmember Kavanaugh stated that the transit maintenance facility, a 1998 Quality of Life sales tax project, will be a key component of the City's transit system. He explained that the first phase of the project is designed to accommodate up to 100 vehicles, with the capability to expand

to 200 vehicles. Councilmember Kavanaugh acknowledged Congressmen Hayworth and Pastor for their efforts in securing Federal transit monies for the facility and also thanked Mayor Hawker for his hard work regarding this issue.

Vice Mayor Davidson expressed support for the construction of the transit maintenance facility and noted that it is an appropriate expenditure of funds. He acknowledged Mayor Hawker and Councilmember Kavanaugh for their lobbying efforts to secure funding for the project during a recent visit to Washington, D.C.

Councilmember Walters also thanked Vice Mayor Davidson for his hard work in this regard during the same visit to Washington D.C.

Upon tabulation of votes, it showed:

AYES - Davidson-Jaffa-Kavanaugh-Pomeroy-Walters-Whalen
ABSTAIN - Hawker

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

With action on agenda items 5g, h and i being completed, Vice Mayor Davidson yielded the gavel back to Mayor Hawker.

6. Introduction of the following ordinances and setting April 1, 2002 as the date of public hearing on these ordinances:

- *a. Prohibiting parking from 8:00 a.m. to 4:00 p.m. on school days on the south side of Fox Street from 24th Street to the west side property line of 2559 E. Fox Street and on the north side of Fox Street from 24th Street to the west side property line of 2538 E. Fox Street, as recommended by the Transportation Advisory Board.
- *b. **Z02-03** Generally a quarter mile west of the southwest corner of McLellan Road and Val Vista Drive. Rezone from AG to R1-35 PAD (45.2 acres). This case involves the development of custom home sites.
- *c. **Z02-04** The 4400 block of East McLellan Road (south side). Site Plan Modification (2 acres). This case involves the development of a fourplex subdivision.
- *d. **Z02-05** The southeast corner of Southern Avenue and Lindsay Road. Rezone from AG to R-3-PAD (5.4 acres). This case involves the development of a condominium project.
- *e. **CZ01-001TC** 126 South Country Club Drive. Rezone from TCB-1 to TCB-2.

7. Consider the following resolutions:

- a. Granting an easement to Salt River Project at Southern Avenue west of Ellsworth Road – Resolution No. 7801.

Vice Mayor Davidson declared a potential conflict of interest on this agenda item and said he would refrain from discussion/participation on this item.

It was moved by Councilmember Kavanaugh, seconded by Councilmember Walters, that Resolution No. 7801 be adopted.

Upon tabulation of votes, it showed:

AYES - Hawker-Jaffa-Kavanaugh-Pomeroy-Walters-Whalen
ABSTAIN - Davidson

Mayor Hawker declared the motion carried unanimously by those voting and Resolution No. 7801 adopted.

- *b. Vacating a portion of right-of-way along North Stapley Drive between Lehi Road and Sorensen – Resolution No. 7795.

This excess right-of- way is no longer needed.

- *c. Extinguishing an easement for sanitary sewer effluent in the 6900 block of South Power Road – Resolution No. 7796.

This easement is no longer needed and conflicts with the development of a flood control detention basin.

- *d. Selling excess City property located at approximately 551 North Sistine Street – Resolution No. 7797.

This remnant parcel is being combined with the adjacent property.

- *e. Authorizing the City Manager to execute an Intergovernmental Agreement between the City of Chandler and the City of Mesa with respect to sharing a radio frequency used by the City of Mesa’s computerized sprinkler control system and a recommendation that the agreement be extended for an additional two years – Resolution No. 7798.

- *f. Canvassing, declaring, and adopting the results of the Primary Election held March 12, 2002 – Resolution No. 7799.

8. Consider the following ordinance:

- *a. **A01-5** Annexing the area north of the corner of East Culver Street and North 87th Street (5± acres). Initiated by the property owner – Ordinance No. 3973.

9. Consider the following recommendation from the Parks and Recreation Board.

- a. Recommend approval of various fee changes.

Parks and Recreation Administrator Bob White addressed the Council relative to this agenda item and reported that staff and the Parks and Recreation Board have conducted an extensive review of the parks and recreation programs and services fees. He acknowledged LeRoy Brady and John Stormont, members of the Board, who were present in the audience. Mr. White stated that it is staff’s recommendation that Council approve the various fee changes outlined in staff’s report.

In response to a series of questions from Councilmember Kavanaugh, Mr. White clarified that there are four types of cost recovery programs which serve as a basis for the establishment of fees including partial cost, direct cost, all costs and Valley market; the fact that it is the philosophy of staff that no youth shall be prevented from participating in parks and recreation programs and services due to one's inability to pay a fee; the fact that fee assistance programs, scholarships and fee adjustments are available to individuals experiencing economic hardships; the fact that fees and charges are a method to continue and expand services on an equitable basis and not diminish the City's responsibility to provide public open space, facilities and general leisure opportunities, and the fact that the Parks and Recreation Board unanimously recommended the proposed fee adjustments.

Vice Mayor Davidson stated that although he has concerns regarding the proposed fee increases, he has received assurances from staff that the fees are reasonable and prudent.

In response to a question from Vice Mayor Davidson, Mr. White assured the Council that staff makes every effort possible to inform citizens of Mesa's fee assistance programs. He explained that many after-school programs and summer recreation programs are conducted at Mesa Public School facilities and that the informational flyers, which include fee information, are distributed to the students and their parents. Mr. White also stated that the fees and charges are reviewed on an annual basis by the Parks and Recreation staff to ensure that they continue to be fair and equitable.

Vice Mayor Davidson made the suggestion that after-school program fees not be imposed on children who participate in reduced or free lunch programs. He added that he is pleased that the proposed fee adjustments will not impact the summer programs for physically and mentally handicapped children.

Councilmember Pomeroy commented that after speaking with staff and members of the Parks and Recreation Board, he is supportive of the proposed fee changes.

Councilmember Walters expressed support for the fee assistance and scholarship programs which provide all children with the opportunity to participate in the various parks and recreation programs and services. She requested that staff research the possibility of utilizing prepaid swipe cards to allow individuals, as an example, to pay for tennis court lighting during evening hours on an as-needed basis. Councilmember Walters also concurred with Vice Mayor Davidson's comments regarding the elimination of after-school fees for children participating in reduced or free lunch programs.

Councilmember Jaffa stated that he will not support this agenda item and requested that the Parks and Recreation staff conduct a comprehensive review of impact fees, development charges and alternatives available to fund parks and recreation programs and services.

Mayor Hawker thanked Mr. White for his presentation.

It was moved by Councilmember Kavanaugh, seconded by Vice Mayor Davidson, that the recommendation from the Parks and Recreation Board regarding various fee changes, be approved.

Upon tabulation of votes, it showed:

AYES - Hawker-Davidson-Kavanaugh-Pomeroy-Walters-Whalen
NAYS - Jaffa

Mayor Hawker declared the motion carried by majority vote.

10. Consider the following recommendation from the Museum and Cultural Advisory Board.

a. Recommend approval of various fee changes.

Arts Administrator Rob Schultz addressed the Council and provided a brief update on the proposed fee adjustments for Mesa Arts Center (MAC) visual and performing arts classes, Summer Arts Camps, and the Mesa Contemporary Arts exhibition entry fees for FY 2002/03. He reported that the Museum and Cultural Advisory Board unanimously approved the proposed fee and charge adjustments. Mr. Schultz stated that the fees for the MAC visual and performing arts classes would increase an estimated 15%; the Summer Arts Camps fees would increase from \$72 per week to \$76 per week, and the entry fees for the Mesa Contemporary Arts exhibitions would increase from \$20 to \$25 per artist. He noted that the primary purpose for the fee increases is to enable visual and performing arts instructors to receive a pay increase of \$2.00 per hour. Mr. Schultz added that the proposed pay increase is necessary to attract and retain experienced artists and instructors and also to prevent Mesa from falling behind the Valley's average pay scale.

In response to a question from Councilmember Kavanaugh, Mr. Schultz clarified that approximately 5500 students participate in over 600 visual and performing arts classes which are conducted throughout the year.

It was moved by Councilmember Kavanaugh, seconded by Councilmember Walters, that the recommendation from the Museum and Cultural Advisory Board regarding various fee changes, be approved.

In response to a question from Councilmember Pomeroy regarding a proposed increase in the instructors' salaries, Mr. Schultz clarified that the visual and performing arts temporary agency instructors are currently paid a starting salary of \$12 per hour, which increases to \$13 per hour after two consecutive years of MAC experience. He stated that the pay increase would allow Mesa to remain competitive with other cities and art centers throughout the Valley.

In response to a question from Vice Mayor Davidson, Mr. Schultz clarified that fee assistance programs are available for the various visual and performing arts programs.

Carried unanimously.

10.1. Consider the following recommendation from the Utility Committee:

- *a. Approving the pre-settlement reclaimed water exchange agreement with the Gila River Indian Community – Resolution No. 7800.

10.2 Consider the following recommendations from the Transportation Committee:

- *a. Approving staff's recommendations to fund bus service for Route 77 (Baseline Road) with a route modification.
- *b. Approve proceeding with the implementation of the bolt-on overpass graphics (Mirage Concept) at Dobson Road, Country Club Drive and Mesa Drive.

10.3. Consider approval of the Multipurpose Facility "best and final" proposal to the Tourism and Sports Authority.

Vice Mayor Davidson declared a potential conflict of interest on this agenda item and said he would refrain from discussion/participation on this item.

Councilmember Whalen provided the Council with an update on this agenda item and thanked Mayor Hawker and the Council for allowing him the opportunity to participate in the City's ongoing negotiations relative to this issue. He provided a brief historical overview of the recent developments regarding Mesa's efforts to submit a site proposal to the Tourism and Sports Authority (TSA) for a multipurpose facility.

Discussion ensued relative to the fact that as of last weekend, the City of Mesa had submitted a proposal to the Arizona Cardinals for a financial consideration of approximately \$11.7 million to offset Mesa's funding shortfall; the fact that as of Sunday, March 17, the Cardinals were willing to contribute up to \$18 million for the project if the City's original stadium site was moved to a location closer to the Tempe border and Tempe was allowed to annex a portion of the stadium; the fact that the annexed property would consist of an area 300 feet in length and 600 feet in width, which would provide the Cardinals with a Tempe address for the stadium and would forgive the \$7.5 million penalty if the Cardinals played football outside the City of Tempe; the fact that Mesa would be required to purchase the 33-acre Hurley property which, in turn, would be transferred to the Cardinals for development rights, and the fact that the City would be required to offer the Cardinals a tax incentive package to enable them to recoup their \$18 million contribution.

Councilmember Whalen explained that subsequent to receipt of the Cardinals' proposal, staff has engaged in ongoing negotiations with the Hurley family, obtained financial commitments for game day operations from the City of Scottsdale, as well as commitments from the Salt River Pima-Maricopa Indian Community and the Mesa Convention and Visitors Bureau for contributions of \$150,000 each to be derived from bed tax revenues. He stated that because the situation is so fluid and there are numerous issues that must be resolved, he has concerns that the City may not be prepared to make a presentation tomorrow afternoon before the TSA outlining its best and final offer. Councilmember Whalen added that on Thursday, March 21, the TSA is scheduled to vote on the winner and runner-up site. He stressed that staff and the City of Tempe have requested that the TSA extend the deadline to allow additional time for negotiations.

Mayor Hawker thanked Councilmember Whalen for his update and briefly discussed the proposed schedule of upcoming presentations and meetings with the TSA. He voiced concerns that it will be extremely difficult, if not impossible, to complete all of the necessary negotiations to comply with the TSA's timetable. Mayor Hawker added that in his opinion, an extension of time is necessary to complete the negotiation process with Tempe and to reach an agreement with regard to a Memorandum of Understanding (MOU) between the two communities.

City Attorney Debbie Spinner addressed the Council and stated that because the City's final offer has not yet been determined, staff is negotiating only those clauses in the development agreement and lease that would not be impacted by the placement of the stadium.

In response to a question from Councilmember Walters, Councilmember Whalen clarified that under the current proposal submitted by the Cardinals, the softball fields at Riverview Park would not be removed, and on game days, the fields would be utilized for parking.

In response to comments from Mesa residents regarding the reason why Councilmember Whalen has become Mesa's spokesman on this issue, Councilmember Walters explained that Mayor Hawker has allowed the members of the Council to act in a leadership capacity relative to City matters when they possess the necessary expertise. She stressed the fact that Councilmember Whalen served as a skilled negotiator during his long career with the Mesa Police Department and is comfortable and significantly experienced in that role.

Councilmember Whalen referred to a map displayed in the Council Chambers and pointed out the proposed location of the multipurpose facility, the Hurley property, the Arizona State University property, Riverview Golf Course, Riverview Park, and the Northwest Water Reclamation Plant.

The following citizens spoke in opposition to approval of the multipurpose facility best and final proposal to the Tourism and Sports Authority:

Joe McVaugh	2518 E. Hale Street
Rolland LaHaie	6356 E. Rochelle Street
Jeff Williams	718 W. Los Lagos Vista Avenue
Kevin Biesty	1010 W. Peralta Avenue
Barry Bunch	312 N. Henkel Lane
Manny Cortez	2837 E. Emelita
Louis Stradling	1214 E. Greenfield Circle
Galon Updike	730 Naranja
Scott Salen	316 N. Hall

Citizens speaking in opposition to approval of the multipurpose facility best and final proposal to the Tourism and Sports Authority for the following reasons:

- The purpose of city government is to provide for the needs of its citizens and not to subsidize business;
- Thirty years is too long a period of time for a unilateral commitment between a city and a sports franchise;
- It is inappropriate to convert public park land into parking lots;
- The Arizona Cardinals will be the only entity to prosper from the development of a multipurpose facility;
- A multipurpose facility will create increased traffic congestion in the City and change the face of the community forever;
- Mesa voters have made it abundantly clear that they do not want a stadium within the City limits.

Jeff Martin, 211 W. Knox Road, Tempe, Chairman of the Mesa Chamber of Commerce, addressed the Council and stated that this afternoon, the Tempe Chamber of Commerce and the Mesa Chamber of Commerce held a joint news conference to express support for the City's stadium site

proposal. He urged the leaders of Mesa and Tempe to work together for the economic benefit of both communities.

Cris Tutera, 200 N. Centennial Way, Director of Sales and Marketing for the Mesa Sheraton, concurred with the previous speaker's comments and stated that Mesa's image would be greatly enhanced with the addition of a multipurpose stadium within the community.

Mayor Hawker thanked the speakers for sharing their opinions and viewpoints with the Council.

Discussion ensued regarding the City Attorney's ongoing site proposal negotiations with the TSA.

Mayor Hawker expressed concerns that the infrastructure costs for the host city have increased dramatically since the original Tempe site was selected. He stated that he is aware of the position of Mesa voters from the 1999 election, but noted that the Rio Salado Crossing issue was a half-cent sales tax for Mesa residents only and not a Countywide tax. Mayor Hawker briefly explained the chronology of the issue and said that the City had initially identified \$30 million in revenue that it would derive from the site, but that there would be an estimated \$63 million in costs to the City. He noted that because tax dollars will not be used to fund the project, the only solution was to solicit funds from Tempe or the Cardinals. Mayor Hawker assured the citizens that the multipurpose facility would not be funded by general fund monies or taxpayer funds. He concluded by saying that he would like Mesa to form a partnership with Tempe, the Salt River Pima-Maricopa Indian Community and Scottsdale, but questioned whether that was possible.

Mayor Hawker added that one of the most troublesome stipulations issued by the Cardinals in their most recent proposal is their request for Government Property Lease Excise Taxes (GPLET), or tax incentives on the Hurley property, which they would acquire for development purposes. He explained that the GPLETS would allow the Cardinals to recoup their investment over a period of 30 years by abating the property taxes because they would qualify as part of a redevelopment project. Mayor Hawker noted that to qualify for such incentives, the land must be part of a redevelopment area and the City would have to extend its redevelopment area from the downtown square mile. He said he would be reluctant to expand the City's redevelopment area, and he requested input from the Council relative to this issue. Mayor Hawker also thanked Councilmember Whalen for his efforts and hard work during this arduous process.

Councilmember Walters advised that on Tuesday, March 21, at 7 p.m., staff will host a neighborhood meeting at Emerson Elementary School to discuss neighborhood impact issues as it relates to the multipurpose facility.

Discussion ensued relative to the fact that the TSA has entered into an agreement with the Cardinals to play at the multipurpose facility for 30 years, with a five-year option to renew up to a maximum of 60 years, and the fact that language in the City's proposal is being drafted to ensure that Mesa would remain whole if the Cardinals breached the agreement.

Councilmember Walters stressed the fact that the City Attorney has not been provided adequate time to negotiate and write a clear and well-defined contract. She stated that she would be supportive of Councilmember Whalen proceeding with his presentation tomorrow before the TSA, but said that there are too many issues which must still be resolved and she is not willing to be rushed through the process.

Further discussion ensued relative to the multipurpose facility's projected revenue streams.

It was moved by Councilmember Walters, seconded by Councilmember Jaffa, that the Council postpone approval of the Best and Final Offer, that Councilmember Whalen proceed with his presentation before the TSA on Tuesday, March 19, 2002 at 1:30 p.m., and that staff continue to pursue options relative to the multipurpose facility site proposal.

Councilmember Jaffa concurred with the other Councilmembers' comments and stressed that it is incumbent upon the Council to thoroughly evaluate the proposal to assure Mesa residents that there are no economic risks to the community. He voiced concerns regarding the complexity of the MOU and the necessity of the City Attorney to address all legal issues in a concise and systematic manner. He also discussed the opportunity that may arise to potentially develop the Salt River bed in conjunction with the multipurpose facility, and emphasized that the multipurpose facility should include sufficient convention space and adjacent development opportunities.

Councilmember Kavanaugh expressed a variety of concerns including the fact that the rules of the multipurpose facility negotiations are in favor of the Cardinals and against the host community; the fact that Mesa has been faced with the byproduct of flawed legislation and one-sided agreements; the fact that the Cardinals have engaged in negotiating techniques designed to result in hurried decisions and a cursory review of the issues; the fact that the new location for the facility under the current proposal offers the potential for more adverse effects on the surrounding neighborhood, and the fact that he has serious concerns regarding annexation of City property and also the Cardinals receiving GPLET tax incentives. Councilmember Kavanaugh stated that he will support the motion to keep the process moving forward, but stressed that there are crucial issues which must be addressed.

Councilmember Pomeroy stated the opinion that the City needs to continue to explore its options and render the best possible decision for the City of Mesa.

Councilmember Whalen stated that throughout his participation in the negotiation process, his primary focus has been what would be in the best interest of Mesa. He emphasized the fact that the Council and City management have been kept abreast of all developments and that there have been no "backroom discussions" regarding this matter. Councilmember Whalen thanked the members of the Council for their support during this ongoing process.

Mayor Hawker urged Councilmember Whalen to request that the TSA grant an extension for the submission of Mesa's site proposal to provide the City with additional time to conduct further negotiations with Tempe.

Upon tabulation of votes, it showed:

AYES - Hawker-Jaffa-Kavanaugh-Pomeroy-Walters-Whalen
ABSTAIN - Davidson

Mayor Hawker declared the motion carried unanimously by those voting.

11. Consider the following case from the Planning and Zoning Board and possible adoption of the corresponding ordinance:

- *a **Z01-55** 1010 S. Stapley Drive. Rezone from OS to OS-PAD and Site Plan Modification (1.8 acres). This case involves development of an office complex. Richard Phillips and David and Dennis Belnap; owner, Gregory Hitchens, applicant. **CONTINUED FROM THE**

MARCH 4, 2002 COUNCIL MEETING. (THIS CASE WILL BE CONTINUED TO THE APRIL 1, 2002 COUNCIL MEETING.)

P&Z Recommendations: Approval with conditions (Vote: Passed 7-0).

1. Compliance with the basic development as described in the project narrative and as shown on the site plan, preliminary plat and elevations submitted (without guarantee of lot coverage), except as noted below.
2. Compliance with all City development codes and regulations.
3. Compliance with all requirements of the Development Services Department (Engineering, Traffic Engineering, Solid Waste and Facilities, etc.) with special attention paid to fire access, fire lanes, turning radius, hydrant placement and location of the dumpster enclosure in the northwest corner of the site. All these items to be approved by the applicable department prior to formal submittal to the Design Review Board.
4. Dedicate the right-of-way required under the Mesa City Code at the time of application for a building permit or at the time of the City's request for dedication, whichever comes first.
5. All street improvements and perimeter landscaping to be installed in the first phase of construction.
6. Compliance with all requirements of the Design Review Board with special attention paid to the landscape plan within the parking lot and along the north property line.
7. Compliance with Subdivision Technical Review Committee.
8. Review and approval of a Special Use Permit by the Board of Adjustment for a comprehensive sign plan.
9. Medical office use only permitted after review and approval of the parking calculations by Planning staff.
10. Retention basins to be 6:1 slopes maximum when adjacent to public rights-of-way, pedestrian areas and/or walkways.
11. Parking lot lights for the offices shall be shielded and designed to direct light down to the ground to prevent light dispersion off the property.
12. Recordation of vehicular cross-access and reciprocal parking easements between the five lots to be created in conjunction with creation of a final plat.
13. Completion of the abandonment of any and all PUE's previously recorded for parcels 139-15-001G, 139-15-001H, 139-15-032, and 139-15-053 prior to issuance of any building permits.
14. Compliance with the letter dated November 1, 2001, from Richard Phillips to Leena Hernigle related to charter schools, which is in the zoning case file.
15. Dedication of the utility easement and completion of alley improvements along north property line in initial phase of development.

12. Consider the following subdivision plats:

- *a. "STRADA TOWNHOMES", - (Council District 5) – 6710 East University Drive (north side) 73 R-2 PAD townhome lots (6.40 acres) Strada Development L.L.C., developer; D & M Engineering, engineer.
- b. "AMBER GROVES", - (Council District 2) – 700 block of North Val Vista Drive (west side) 11 R1-15 single residence lots (4.02 acres) Amber Groves, L.L.C., developer; Allen Consulting Engineers, Inc., engineer.

Councilmember Whalen declared a potential conflict of interest on this agenda item and stated that he would refrain from discussion/participation on this item.

It was moved by Councilmember Walters, seconded by Vice Mayor Davidson, that the AMBER GROVES subdivision plat be approved.

Upon tabulation of votes, it showed:

AYES - Hawker-Davidson-Jaffa-Kavanaugh-Pomeroy-Walters

ABSTAIN - Whalen

Mayor Hawker declared the motion carried unanimously by those voting.

- *c. "NORTHGATE", - (Council District 6) – 4200-4400 blocks of South Power Road (east side) 49 C-2 PAD-AF CUP mixed-use commercial and industrial lots (50.77 acres) Northgate LLC, developer; Wood, Patel & Associates, Inc., engineer.

13. Election issues.

Mayor Hawker stated that on May 21, 2002, the City will conduct a General Election to select a Councilmember from District 5. He explained that the candidates are Bill Jaffa and Rex Griswold. Mayor Hawker also congratulated District 4 Councilmember-Elect Kyle Jones and District 6 Councilmember-Elect Janie Thom on their recent victories.

14. Items from citizens present.

There were no items from citizens present.

15. Adjournment.

It was moved by Vice Mayor Davidson, seconded by Councilmember Kavanaugh, that the Regular Council Meeting adjourn at 8:30 p.m.

Carried unanimously.

KENO HAWKER, MAYOR

ATTEST:

BARBARA JONES, CITY CLERK

Regular Council Meeting
March 18, 2002
Page 16

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the Regular Council Meeting of the City Council of Mesa, Arizona, held on the 18th day of March 2002. I further certify that the meeting was duly called and held and that a quorum was present.

BARBARA JONES, CITY CLERK

pag