

COUNCIL MINUTES

February 28, 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 February 28, 1997, at 7:42 a.m.

COUNCIL PRESENT

Mayor Wayne Brown
John Giles
Dennis Kavanaugh
Joan Payne
Wayne Pomeroy
Jim Stapley

COUNCIL ABSENT

Pat Gilbert

STAFF PRESENT

C.K. Luster
Joan Baier
Wayne Balmer
Neal Beets
Fred Conway
Mark Coon
Linda Crocker
Jo Ferguson
John Geier
Bill Haney
Joe Holmwood
Mike Hutchinson
Lars Jarvie
Barbara Jones
Sharon Joyce
Harry Kent
Ron Krosting
Larry Lines
Rich Lorig
Tom Mattingly
Frank Mizner
Ruth Anne Norris
John Oliver
Ellen Pence
Bryan Raines

STAFF PRESENT (CONT.)

Tom Remes
Becky Richardson
Denise Samuel
Sharon Seekins
Janice Strauss
Debbie Vickman
Bob White
Ralph Wisz
Mark Woodward
Larry Woolf

OTHERS PRESENT

Susan Cook
Dawnetta Dodge
Larry Given
Joe "Brick" Guinn
Chris Moeser
Chris Moorhouse
John Moorhouse
Dan Nowicki
Ralph Pew
Others

Mayor Brown excused Vice Mayor Gilbert from the meeting.

0.1. Discuss Town Center parking issues with business people.

Councilmember Payne explained that the downtown business owners have expressed concerns regarding parking in the downtown area and requested that they be allowed to speak before the Council.

Susan Cook, 114 West Main Street, owner of the Antique Plaza, stated that in 1966 the City assessed more than \$3,000 to businesses located on the south side of Main Street between Macdonald and Robson Streets for the purpose of acquiring property for use as parking lots for the area. Ms. Cook questioned why businesses should now be required to pay for parking in the lots.

Mayor Brown requested that staff prepare a report regarding the downtown parking issue and present the update to Council at a future Study Session. Mayor Brown added that the downtown business owners should be notified of the meeting.

Chris Moorhouse, 202 West Main Street, stressed the importance of creating a viable business district in downtown Mesa. Mr. Moorhouse stated the opinion that parking restrictions and fees should be eliminated until the downtown area becomes a vibrant shopping hub. Mr. Moorhouse added that once the downtown area is successful, businesses and citizens may be more receptive to parking restrictions and fees.

John Moorhouse, 202 West Main Street, stated that the current parking restrictions have negatively impacted efforts to generate interest in locating new businesses in the downtown area.

Joe "Brick" Guinn, 119 West Main Street, informed the Council that as a Main Street business owner in 1966, he was assessed a fee to create public parking lots. Mr. Guinn questioned the City's intention to charge fees for parking lots which were paid for by the business owners more than 30 years ago. Mr. Guinn emphasized the importance of determining whether the businesses which paid assessments in 1966 will be reimbursed should the proposed fees be approved.

Mayor Brown expressed appreciation to the speakers for their input and noted that the issue will be the topic of a future Council meeting.

0.2. Discuss possibility of restricting newsstands containing pornographic materials and hear from attorney Len Munsil.

Councilmember Payne advised that attorney Len Munsil was unable to attend the meeting due to a conflict in scheduling.

Councilmember Payne explained that Dawnetta Dodge has requested that she be allowed to address the Council regarding restricting newsstands containing sexually explicit materials.

Ms. Dodge conveyed concern that magazines containing pornographic material are being sold at coin operated magazine and newspaper machines. Ms. Dodge stated that children are purchasing the publications from the machines and urged Council to restrict the sale of sexually explicit material on City sidewalks.

Councilmember Payne indicated support for Ms. Dodge's request and commented that restricting the sale of pornographic publications should be considered by the Council. Councilmember Payne questioned whether an ordinance could be adopted restricting the

placement of machines containing sexually explicit material in locations that minors are capable of accessing throughout the City of Mesa.

City Attorney Neal Beets explained that State statutes exist which address obscenity and materials deemed harmful to minors. Mr. Beets added that there are definitions in State law as to what constitutes obscenity and materials that are sexually explicit and harmful to minors. Mr. Beets suggested that the Council obtain advice from the County Attorney regarding the difficulties associated with the prosecution of cases relative to this issue.

In response to a question from Ms. Dodge relative to whether the City has the authority to place a restriction on the sale of sexually explicit materials to minors, Mayor Brown indicated that the issue will be further researched and discussed by the Council.

Councilmember Payne expressed appreciation to Ms. Dodge for her comments. Councilmember Payne commented that she supports Ms. Dodge's recommendations.

Councilmember Stapley informed the Council that this issue was discussed a few years ago but not acted upon based on recommendations from the County Attorney involving first amendment violations.

Mayor Brown requested that the County Attorney be invited to a future Study Session to discuss and offer recommendations relative to this issue.

Mayor Brown thanked Ms. Dodge for her input.

1. Further discussion and consideration concerning recommended changes to the addressing standards for private streets.

Community Development Manager Wayne Balmer presented a brief overview of the proposed street addressing policy to allow public street names and standard street addresses in single-family residential developments containing private streets. Mr. Balmer referred to a sample street sign displayed in the Council Chambers and commented that the signs may be used to designate private streets. Mr. Balmer said that in order to clearly define the end of a public street and the beginning of a private street, staff recommends that a blue reflective sign containing the street name and the words "private street" be utilized. Mr. Balmer noted that the development community is in favor of the proposed street addressing policy. Mr. Balmer explained that staff supports obtaining a written consent agreement to change to the new street naming/house numbering patterns from 100 percent of all affected property owners in existing subdivisions.

In response to a question from Councilmember Giles, Transportation Director Ron Krosting stated that providing street numbers on street signs is not a requirement. Mr. Krosting added that by placing the words "private street" on the sign, those using the street are made aware of the fact that the street is not maintained by the City.

Discussion ensued regarding the proposed fees, costs, and installation and maintenance of street sign poles.

Councilmember Kavanaugh indicated support for the concept but expressed concern regarding obtaining consent from 100 percent of all affected property owners. Councilmember Kavanaugh recommended that the required approval limits be lowered to a significant but attainable level.

Councilmember Payne indicated that she does not support staff's recommendations relative to this issue.

Councilmember Pomeroy spoke in support of the proposed changes.

Mayor Brown stated support for the project but noted concern regarding attaining the 100 percent consent requirement.

Mr. Balmer explained that Dale Douglas, Executive Director of the Dobson Ranch Homeowners' Association, has expressed the opinion that although obtaining 100 percent participation among homeowners may be difficult to achieve, he supports the 100 percent requirement.

Discussion ensued relative to various approval requirements.

It was moved by Councilmember Giles, seconded by Councilmember Pomeroy that the recommendations of staff be approved.

Councilmember Payne requested that staff provide a financial analysis of the project as it progresses to assist in determining financial impacts on the City.

Upon tabulation of votes, it showed:

AYES - Brown-Giles-Kavanaugh-Pomeroy-Stapley
NAYS - Payne
ABSENT - Gilbert

Mayor Brown declared the motion carried by majority vote of those present.

2. Further discussion and consideration concerning awarding a contract for inorganic nitrate solution.

Purchasing Administrator Sharon Seekins explained that the second low bidder, U.S. Filter/Davis Process, is protesting staff's recommendation that the contract for inorganic nitrate solution be awarded to the low bidder, Vulcan Chemical Technologies, Inc. Ms. Seekins stated that U.S. Filter has patented a process for the removal of dissolved hydrogen sulfide and the reduction of sewage bod in sewer or other waste systems. Ms. Seekins said that U.S. Filter's representatives have expressed the opinion that because the company maintains a patent on the process, Vulcan must obtain a license. Ms. Seekins emphasized that Vulcan is aware of licensing responsibilities and emphasized that Vulcan Chemical Technologies, Inc. will provide written indemnity for the City of Mesa should this issue be the subject of future litigation. Ms. Seekins requested that this contract be placed on the agenda of the March 3, 1997 Regular Council Meeting for approval.

City Attorney Neal Beets concurred with Ms. Seekins' remarks relative to this issue and staff's recommendations.

It was moved by Councilmember Stapley that the recommendations of staff be approved.

Councilmember Payne stated the opinion that this issue should be voted on at the Regular Council Meeting.

Councilmember Kavanaugh indicated opposition to awarding the contract to Vulcan based on the fact that this action may result in litigation involving the City.

Mayor Brown stated that the motion failed due to the lack of a second.

It was moved by Councilmember Stapley, seconded by Councilmember Giles, that the awarding of a contract for inorganic nitrate solution be placed on the agenda of the March 3, 1997 Regular Council Meeting.

In response to a question from Councilmember Pomeroy, Ms. Seekins indicated that staff has not examined Vulcan's financial strength to confirm the company's ability to survive a lawsuit. Ms. Seekins advised that staff would research this issue prior to the March 3, 1997 Regular Council Meeting.

Mayor Brown declared the motion carried unanimously by those present at the meeting.

Mayor Brown thanked Ms. Seekins for her input.

3. Consider proceeding with a bond sale for various capital improvement projects.

Assistant City Manager Mike Hutchinson emphasized the importance of allocating sufficient bond funds to ensure the completion of several significant capital projects for the current and upcoming fiscal year. Mr. Hutchinson discussed staff's recommendation that the Finance Department initiate a General Obligation and Revenue Bond sale. Mr. Hutchinson explained that all bonds proposed to be sold were previously authorized by voters and remain well within allowable limits.

Mayor Brown noted that a consultant is preparing a study regarding new subdivision costs and emphasized the importance of factoring growth into the proposed \$118,730,000 General Obligation and Revenue Bond sale.

Assistance Finance Director Larry Woolf provided the Council with a brief summary of staff's recommendations relative to the proposed bond sale.

Larry Given, representing Peacock, Hislop, Staley, and Given, the City's financial advisors, addressed the Council regarding the current bond market and rates. Mr. Given explained the flexibility in the interest rate, the importance of being aware of the cash balance situation, and the method in which bonds are analyzed. Mr. Given informed the Council that the market currently appears strong.

In response to a question from Mayor Brown, Mr. Woolf stated that bids will be accepted on March 17, 1997 through an accelerated bid process which will allow the City to obtain competitive bids while not limiting the City to a specific date or time.

Senior Management Assistant Bryan Raines pointed out that if Council approves proceeding with the sale, a resolution would be placed on the agenda of the March 3, 1997 Regular Council Meeting for Council approval.

It was moved by Councilmember Pomeroy, seconded Councilmember Stapley, that staff be directed to prepare a resolution relative to the proposed bond sale for Council action at the March 3, 1997 Regular Council Meeting.

Mayor Brown declared the motion carried unanimously by those present at the meeting.

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

- a. Crime Prevention Advisory Board meeting - February 19, 1997
- b. Downtown Development Committee meeting - February 13, 1997
- c. Parks and Recreation Board meeting - February 13, 1997
- d. Special Design Review Board meeting - February 20, 1997
- e. Transportation Committee meeting - February 25, 1997

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

Mayor Brown declared the motion carried unanimously by those present at the meeting.

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

There were no reports on meetings and/or conferences attended to report on at this time.

6. Scheduling of meetings and general information.

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

Monday, March 3, 1997, 5:45 p.m. - Regular Council Meeting

Thursday, March 13, 1997, 4:00 p.m. - Policy Session

Mr. Luster advised that the March 7, 1997 Study Session has been canceled.

Thursday, March 13, 1997, 7:30 a.m. - Breakfast Meeting with the Mesa School Board (Superstition Room, Rendezvous Center)

Friday, March 14, 1997, 7:30 a.m. - Study Session

Community Development Manager Wayne Balmer informed the Council that the Planning and Zoning Board held a public meeting on February 20, 1997 regarding the proposed residential development guidelines and citrus area development policy. Mr. Balmer stated that additional meetings have been scheduled during March to discuss the proposed guidelines and the topic has been placed on the Planning and Zoning Board's March agenda. Mr. Balmer stated the opinion that the issue will be presented to Council in April.

Mayor Brown stated the opinion that comments received from members of the Planning and Zoning Board indicate the need for additional time to review the proposed guidelines. Mayor Brown suggested that Council allow the Planning and Zoning Board added time to analyze these crucial issues.

Executive Assistant Ellen Pence explained that a representative from the Arizona Republic has requested updated, individual photographs of the Mayor and Councilmembers. Ms. Pence stated that a photo session has been scheduled for Monday, March 3, 1997, approximately 15 minutes prior to the Study Session.

In response to a question from Councilmember Payne, Ms. Pence noted that preliminary figures regarding photo radar statistics have been compiled and said that a report will be forwarded to the Mayor and Councilmembers upon receipt of additional information.

7. Review items on the agenda for the March 3, 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:

3. Conduct a public hearing on proposed water and wastewater utility rates for the area previously known as Williams Air Force Base. (See Item 6a for rate schedules.)

Mr. Luster stated that the City of Mesa and Arizona State University (ASU) have been unable to reach an agreement regarding the metering process but indicated that this issue would not affect the rate setting process. Mr. Balmer noted that proposed rates have been reviewed by representatives of ASU, Mesa Community College (MCC), and other customers at the location, and added that no objections have been expressed.

5. Consider the following contracts:

- *d. Concrete Driveway Replacement at Fire Station No. 5 and Sidewalk Installation.

This project will replace and install concrete for a driveway at Fire Station No. 5 and replace and install a retaining wall, curb, gutter, and a sidewalk ramp at the 500 block of West Brown Road and 2600 block of West Broadway Road.

Recommend award to low bidder, Rummel Construction, Inc., in the amount of \$70,393.00.

In response to a question from Mayor Brown, Fire Chief John Oliver explained that the concrete at the Fire Station has deteriorated and hazardous conditions exist. Chief Oliver indicated that a regularly scheduled maintenance program has been created to assist in the repair of various stations throughout the City.

*e. Municipal Building Remodel.

This project will do a minor remodel of various areas on the first floor of the Municipal Building. This will include new carpet, paint, some wall demolition and new walls, patch and repair ceiling, relocation of light fixtures and new electrical outlets, and other miscellaneous items. It does not include mechanical or plumbing improvements.

Recommend award to second low bidder, Builders Guild, in the amount of \$272,228.00.

Public Works Manager Harry Kent explained that staff has recommended awarding the bid to the second low bidder based on the low bidder's limited experience with building projects. Mr. Kent added that upon review of the bid proposal, the low bidder realized that a section had been inadvertently omitted from the proposal and requested that the bid be withdrawn.

8. Consider the following recommendations from the Parks and Recreation Board:

a. Adopting proposed fee increases for selected parks and recreation programs and services.

In response to questions from Mayor Brown and Councilmember Giles, Parks, Recreation and Cultural Director Joe Holmwood discussed costs associated with operating programs for youth and noted that a scholarship program has been developed to ensure that the City's youth are never excluded from a program due to their parents' inability to pay. Mr. Holmwood informed the Council that fees vary depending on the sports program, and noted that the hours children participate in various programs have increased.

Councilmember Payne requested that Mr. Holmwood provide the Council with information regarding the scholarship program.

b. Adopting proposed fee increases for the City of Mesa Cemetery.

In response to a question from Councilmember Stapley, Mr. Holmwood indicated that the cemetery's spaces will be sold out in approximately 2 to 2 ½ years. Mr. Holmwood explained that in determining fees to be charged, various aspects are evaluated and stated the opinion that the City Cemetery is in competition with a portion of the privately-owned cemeteries. Mr. Holmwood commented that the cemetery does not create revenue for the City.

8. Prescheduled public opinion appearances (maximum of three speakers for five minutes per speaker).

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

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

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

10. Adjournment.

It was moved by Councilmember Stapley, seconded by Councilmember Pomeroy that the Study Session adjourn at 8:59 a.m.

Carried unanimously.

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 28th day of February 1997. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 19th day of March 1997

BARBARA JONES, CITY CLERK