

COUNCIL MINUTES

June 7, 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 June 7, 1999 at 4:45 p.m.

COUNCIL PRESENT

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

COUNCIL ABSENT

None

STAFF PRESENT

C.K. Luster
Kevin Adam
Don Ayers
Wayne Balmer
Neal Beets
Denise Bleyle
Jamie Brennen
Candace Cannistraro
Dennis Compton
Mark Coon
Linda Crocker
Luigi Digirolamo
Jerry Dillehay
Jack Friedline
Joe Holmwood
Barbara Jones
Karen Kille
Ron Krosting
Karen Kurtz
Dorinda Larsen
Rich Lorig

STAFF PRESENT (CONT.)

Jeff Martin
Frank Mizner
Joe Padilla
Ellen Pence
Bryan Raines
Andrea Rasizer
Tom Remes
Regan Robbins
Sharon Seekins
Jenny Sheppard
Jan Strauss
Jamie Warner
Mindy White
Others

OTHERS PRESENT

Barrett Marson
Wendy Riddell
Others

1. Review items on the agenda for the June 7, 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:

Mayor Brown advised that he may not be able to remain in attendance for the entire Regular Council Meeting and said that since agenda item 10f (Zoning Case Z99-34) requires a $\frac{3}{4}$ vote of the Council for approval, this item will be discussed earlier in the meeting, following agenda item 4 (the tentative adoption of the proposed budget plan).

Although agenda items were discussed out of order, for reasons of clarity they will be listed as shown on the agenda.

4. Consider tentative adoption of the proposed Fiscal Year 1999-00 budget plan.

Mayor Brown requested that Assistant to the City Manager Bryan Raines provide the audience with a brief overview of the proposed budget at the Regular Council Meeting.

Vice Mayor Giles indicated his intention to propose a motion in support of approving the tentative adoption of the budget.

In response to a question from Councilmember Hawker, Mr. Luster advised that funding for the performing arts center is a separate issue from the budget and will be addressed at a future meeting.

5. Consider the following liquor license applications:

- a. RONALD D. LORENZO, AGENT. (CONTINUED FROM THE MAY 17 COUNCIL MEETING.)

New Beer and Wine Store License for Texaco Food Mart, 2816 South Country Club Drive.

Community Development Manager Wayne Balmer advised that a letter has been received from Jennifer Brooks, Planning Consultant with the law firm Beus, Gilbert & Devitt, representing the applicant, Albertson's. Mr. Balmer stated that the applicant met with the adjacent neighbors to address their concerns and was able to arrive at a compromised site plan that is acceptable to all of the parties involved. Mr. Balmer referred to the letter dated June 4, 1999 which included the four recommended revisions and provided the Council with a drawing of the revised site plan.

Mayor Brown advised that this item will be placed on the Consent Agenda.

6. Consider the following contracts:

- j. Mesa Senior Center re-carpet and re-tiling. City of Mesa Project No. 99-35.

Vice Mayor Giles commented that he was contacted by a bidder who spoke in opposition to the awarding of this contract to Tolivers. Vice Mayor Giles added that in response to a request, staff has submitted a report on this matter, and Vice Mayor Giles indicated his intention to provide the subcontractor, who is present at the meeting, with a copy of the report.

- l. 1998-1999 City of Mesa Overlay Project, Phase I. City of Mesa Project No. 99-56

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

- m. Affirming support for the location of transmission lines and receiving stations relating to electrical service in the southeast valley.

In response to a question from City Manager Charles Luster, Mr. Balmer advised that previous concerns expressed by Councilmember Jaffa regarding the language in the contract have been addressed.

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

7. Consider the following resolutions:
 - *i. Approving and authorizing the City Manager to execute an Intergovernmental Agreement amendment between the State of Arizona through the Department of Commerce and the City of Mesa.

In response to a question from Councilmember Hawker, City Attorney Neal Beets advised that he will research this issue and provide information relative to this item. (Human Services Coordinator Karen Kurtz addressed Councilmember Hawker's questions later on in the meeting.)

8. Consider the recommendations from the Parks and Recreation Board.
 - *a. Recommend no changes be made to the golf fees for Mesa residents and seniors and that to qualify for a preferential tee time, only one member of a group has to be a Mesa resident.

Councilmember Pomeroy commented that item *a above includes two separate recommendations and requested that this item be removed from the Consent Agenda.

Mayor Brown stated that this item will be removed from the Consent Agenda.

10. Consider the following cases from the Planning and Zoning Board and possible adoption of the corresponding ordinances.
 - a. Z98-116 – The northeast corner of Val Vista Drive and U.S. 60.

Mr. Balmer advised that in response to questions that were previously posed by Councilmember Davidson relative to this agenda item, a letter has been received indicating that an agreement has been reached. Mr. Balmer added that the project will consist of a service station that is surrounded on the north and east by a retirement project.

- b. Z99-14 – North and west of the northwest corner of Val Vista Drive and McKellips Road.

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

- *d. Z99-28 – The northeast corner of Higley Road and U.S. 60.

In response to a question from Mayor Brown, Councilmember Jaffa advised that his questions have been answered and this item may remain on the Consent Agenda.

- e. Z99-33 – The northwest corner of McDowell Road and Norwalk.

Mr. Balmer advised that the neighbors have requested an opportunity to be placed on the agenda of a Study Session in order to address neighborhood compatibility issues and questioned whether the next Study Session would be an appropriate time. Mr. Balmer clarified that the neighbors' comments are concerning other industrial uses and are not associated with Zoning Case Z99-33.

Mayor Brown directed Mr. Balmer to meet with Mr. Luster regarding the addition of this item on a future Study Session agenda.

f. Z99-34 – The southwest corner of Hampton Avenue and Higley Road.

Mayor Brown commented that this agenda item will be moved to the beginning of the Regular Council Meeting agenda, following the tentative approval of the proposed budget plan, item number 4.

Mr. Balmer referred to a letter from the applicant's attorney, David Udall, clarifying the issue of square footage of the building. Mr. Balmer also called the Council's attention to a letter that was received from Transportation Director Ron Krosting in which he concurs with the applicant's statement that the current proposed project will result in considerably less traffic than what was previously proposed. Mr. Balmer added that Mr. Krosting has indicated his intention to add the "No Truck" signs for west-bound traffic in the future should it be determined that the signage is needed.

Mayor Brown commented that Mr. Udall was under the impression that in order to pursue the neighbors' recommendation that the design be "flip-flopped," a 30-day delay would occur and clarified that the City Council has the authority to approve such a revision. Mayor Brown clarified that should the neighbors' recommendation be pursued, no delays would occur.

Mr. Balmer informed the Council that concern with this recommendation revolves around the fact that if the building is "flipped" and the garden center faces the south side, additional changes regarding parking and other design features may be required.

In response to a question from Mayor Brown relative to possible delays, Mr. Beets stated the opinion that although the proposed change would not have to be reviewed by the Planning and Zoning Board, a new ordinance would have to be reintroduced and enacted two weeks following the reintroduction.

Mr. Luster pointed out that it appears a Special Council Meeting may be scheduled for Thursday, June 10th, and said that this item could be added to the agenda of that meeting.

Vice Mayor Giles commented that the proposed "flipping" of the building may not be possible and said that he requires additional information from the applicant and his attorney regarding this matter.

g. Z99-35 – 1425 South Alma School Road.

In response to a question from Councilmember Pomeroy, Wendy Riddell, an attorney representing the applicant, advised that adequate parking exists at the site. Ms. Riddell noted that the project has been reduced from 16,000 square feet to 12,500 square feet and said that parking will be shared with the Red Lobster restaurant. Ms. Riddell added that additional parking beyond what currently exists will be added.

*1. Z99-40 – The northeast corner of Power Road and Guadalupe Road.

Vice Mayor Giles stated that he was contacted by Ms. Ardell York who requested that this case be removed from the Consent Agenda to allow her and other neighbors an opportunity to provide input at the meeting.

Mayor Brown advised that this item will be removed from the Consent Agenda.

In response to comments from Councilmember Hawker relative to this case, Mr. Balmer reported that a Ms. Selvage has circulated petitions regarding this property. Mr. Balmer indicated that the citizens are concerned with the sale of liquor and cigarettes at this location, in view of the site's proximity to two schools in that area. Mr. Balmer said that the applicant has complied with all of the distance requirements.

Councilmember Davidson requested that Fiesta Quadrant development policies be discussed at a future Study Session.

- m. Z99-41 – The 2000 and 2100 blocks of North Stapley Drive.

Councilmember Jaffa indicated that he had a potential conflict of interest in connection with the item 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.

Vice Mayor Giles advised that Councilmembers previously expressed concerns regarding residential development in this area, based on the location's unique features, proximity to the canal bank and proposed future recreational uses along the bank. Vice Mayor Giles said that he and Councilmember Davidson have spoken with the applicant regarding the possibility of providing public access to the canal bank and questioned whether this type of request is legal and/or appropriate. Vice Mayor Giles emphasized that the granting of the access will in no way affect his vote to support approval of this case.

City Attorney Neal Beets informed Vice Mayor Giles that although the applicant may consider the request and act accordingly, the City of Mesa does not have any legal authority to demand that the access be granted.

2. Further discussion and consideration concerning the regulation of motorized skateboards.

Councilmember Davidson commented that motorized skateboards move quickly, are awkwardly designed and are utilized by youths. Councilmember Davidson added that there is little or no operator protection and regulations regarding their use in the public right-of-way are nonexistent. Councilmember Davidson commented that in response to the significant number of telephone calls and e-mail messages the Council has received regarding this issue, staff was directed to develop two draft ordinances for discussion and consideration: 1) regulating the motorized skateboards; and 2) a partial ban on the use of motorized skateboards.

Councilmember Davidson informed the Council that since requesting staff to develop the proposed draft ordinances, he has gained an increased awareness of the large number of youths in the City who operate motorized skateboards in a responsible manner. Councilmember Davidson said that "retro-regulating" the youths who have been operating their skateboards in a proper manner, may not be appropriate. Councilmember Davidson added that a large number of motorized skateboards are used as a primary mode of transportation and expressed concern that a total ban on the use of the motorized skateboards would severely impact that segment of the community.

Councilmember Davidson expressed concern that the Council will adopt one of the two proposed draft ordinances without first soliciting public input on this important issue. Councilmember Davidson noted that Monday Study Sessions prior to the Regular Council Meetings are not televised. Councilmember Davidson reported that although the proposed draft ordinance bans the operation of a motorized skateboard on any public roadway with established speed limits greater than 30 miles per hour, a majority of the incidents and near incidents involving motorized skateboards since 1995 have occurred on streets with speed limits of 25 miles per hour.

Discussion ensued relative to the difficulties associated with the contents of the regulation draft ordinance, including enforcing age limitations and confirming the written permission of the owner for another person to utilize the device, enforcing the breaking capacity and the fact that although the ordinance stipulates that bicycle helmets will be worn, bicycle helmets are not approved for motorized vehicles.

Councilmember Davidson indicated that he would not support the regulation draft ordinance in its present form and indicated his preference to consider a partial or total ban of the devices. Councilmember Davidson requested input relative to this matter.

Mayor Brown commented on the fact that although the issue is being discussed to enhance the safety of Mesa's youths, citizens may not approve of the Council's involvement in this matter.

Vice Mayor Giles stated the opinion that this topic has generated a significant amount of interest, particularly among parents who have purchased motorized skateboards for their children. Vice Mayor Giles advised that he supports Councilmember Davidson's efforts to regulate the use of the devices and concurred that the public should be made aware of the issue and provided an opportunity to present their views. Vice Mayor Giles recommended that this item be continued to a future televised Study Session to allow further discussion and public debate to occur.

Councilmember Pomeroy stated the opinion that regulations and/or a partial or full ban on motorized skateboards should also apply to go-carts within the City of Mesa.

In response to a request from Mayor Brown, Police Chief Jan Strauss informed the Council that during the period January 1997 through December 1998, nine go-ped accidents occurred. Chief Strauss advised that the number of bicycles in the City far outweigh the number of motorized vehicles and reported that 369 bicycle accidents occurred during that same period of time. Chief Strauss said that staff is currently gathering statistics on the number of possible cases that proceeded to hospital emergency rooms for treatment without notifying the Police Department that the incident had occurred.

Chief Strauss stated the opinion that at a minimum the youths should be required to wear helmets and added that protective shoes are also beneficial. Chief Strauss suggested that regulations include the stipulation that the speed of the devices not be altered.

Mayor Brown thanked Chief Strauss for her input and questioned whether the Council would prefer to discuss this item at a televised Regular Council Meeting. Councilmember Davidson informed the Council that a large number of people are circumventing the DUI enforcement by utilizing motorized skateboards and said that he would prefer postponing this issue to a future televised Study Session.

Councilmember Kavanaugh commented that he would prefer regulating rather than banning the devices and said that this issue could be the subject of a televised meeting of a committee charged with the responsibility of reviewing this matter at public hearings and providing the Council with recommendations.

Mayor Brown discussed the difficulties associated with enforcing a regulation that prohibits speed altering on the motorized skateboards and said that although he would prefer a ban, he would consider regulations.

Councilmember Jaffa noted that a majority of surrounding cities and towns have opted to regulate rather than ban the devices and indicated that he supports the adoption of regulations.

Mayor Brown stated that it is the consensus of the Council that discussion and consideration of this item be continued to a future televised Council Study Session. Mayor Brown encouraged staff to advertise the fact that this item will be addressed at a televised Study and encourage citizens to provide input regarding this important matter.

- a. Downtown Development Committee meeting held May 20, 1999.
- b. Joint Downtown Development Committee and Economic Development Advisory Board meeting held May 20, 1999.
- c. Transportation Advisory Board meeting held May 25, 1999.

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

Carried unanimously.

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

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

5. Scheduling of meetings and general information.

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

Wednesday, June 9, 1999, 5:30 p.m. - Joint Council/Salt River Project Dinner Meeting

Thursday, June 10, 1999, 7:30 a.m. - Study Session

Thursday, June 17, 1999, 7:30 a.m. - Study Session

Wednesday, June 23, 1999, 7:30 a.m. - Study Session

Thursday, June 24, 1999, 7:00 a.m. - MegaCorp's Annual Meeting

6. Prescheduled public opinion appearances (prescheduled appearances will begin after the preceding scheduled agenda items, which should be about 5:30 p.m.; there will be a maximum of three speakers for three minutes per speaker).

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

7. Adjournment.

Without objection, the Study Session adjourned at 5:35 p.m.

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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 7th day of June, 1999. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this ____ day of _____ 1999

BARBARA JONES, CITY CLERK