

# COUNCIL MINUTES

October 29, 1998

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 October 29, 1998 at 7:30 a.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  
Joan Baier  
Wayne Balmer  
Cindy Barris  
Neal Beets  
Denise Bleyle  
Jamie Brennen  
Mark Coon  
Cynthia Diaz  
Carl Geis  
Glenn Gorke  
Joe Holmwood  
Mike Hutchinson  
Barbara Jones  
Harry Kent  
Karen Kille  
Peter Knudson  
Ron Krosting  
Dorinda Larsen  
Larry Lines  
Rich Lorig  
Jeff Martin  
Frank Mizner  
Patrick Murphy

## STAFF PRESENT (CONT.)

Keith Nath  
Ruth Anne Norris  
Ellen Pence  
David Plumb  
Bryan Raines  
Andrea Rasizer  
Tom Remes  
Becky Richardson  
Regan Robbins  
Jenny Sheppard  
Jan Strauss  
Ursula Strephans  
Doug Tessendorf  
Bob White  
Mindy White  
Mark Woodward

## OTHERS PRESENT

Doug Bennett  
Ron Fehribach  
Tom Verploegen  
Others

### 1. Review items on the agenda for the November 2, 1998 Regular Council Meeting.

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

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

#### 4. Consider the following contracts.

- \*i. Upgrade to Tax and Licensing file server as requested by the Information Services Division. This upgrade will increase the device's data storage capacity.

In response to a question from Councilmember Pomeroy, Information Services Director Karen Kille explained the function and capacity of a SUN server. Ms. Kille indicated that the upgrade to the currently installed server is requested to accommodate expanding data files for the Tax and Licensing Department.

- \*j. One-year renewal of annual supply contract for personal computers (PCs) as requested by the Information Services Division. This contract will provide PCs to various City departments for the next 12 months.

Mayor Brown suggested that this item be removed from the consent agenda given the funding level involved and asked that staff present a brief overview of the contract at the Regular Council Meeting.

Councilmember Hawker requested additional information pertaining to projected cost savings.

- k. Annual supply contract for automotive oils and greases as requested by Fleet Support Services. This is a cooperative bid with Mesa Schools.

Mayor Brown indicated that he had a potential conflict of interest in connection with the matter now under discussion which he wanted recorded in the minutes of the meeting, and because of such conflict of interest, he would refrain from voting upon or otherwise participating in any manner in connection with same.

In response to a question from Councilmember Pomeroy, Senior Buyer Joan Baier advised that the City has participated in the past with Mesa Schools in various cooperative one-time bids and stated that staff can provide data pertaining to projected cost savings for the proposed bid.

Councilmember Davidson questioned the necessity of an intergovernmental agreement (IGA). City Attorney Neal Beets said that the proposal is a cooperative arrangement designed to address the needs of both parties and that an IGA is unnecessary.

City Manager Charles Luster noted that the City does not participate in cooperative bids with Mesa Schools for the purchase of land.

- l. Annual supply contract for heated soft water and rental of an asphalt distributor with an operator as requested by the Streets Maintenance Division.

Councilmember Hawker indicated that he had a potential conflict of interest in connection with the matter now under discussion which he wanted recorded in the minutes of the meeting, and because of such conflict of interest, he would refrain from voting upon or otherwise participating in any manner in connection with same.

- 5. Introduction of the following ordinances and setting November 23, 1998 as the date for the public hearing on these ordinances.

- \*e. **Z98-52** The southeast corner of Signal Butte and Adobe. Rezone from R1-43 to R1-9-PAD (53.8 acres). This case involves development of a single-residence subdivision. **(REINTRODUCTION.)**

Councilmember Jaffa indicated that he had a potential conflict of interest in connection with the matter now under discussion which he wanted recorded in the minutes of the meeting, and because of such conflict of interest, he would refrain from voting upon or otherwise participating in any manner in connection with same.

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

- \*g. **Z98-80** The northwest corner of Val Vista and Hermosa Vista Drives. Rezone from R1-35 to R1-35-PAD (56.1 acres net). This case involves the development of a gated single-residence subdivision (63 lots). **(REINTRODUCTION.)**

Vice Mayor Giles advised that a meeting was held recently among the parties involved and that a compromise has been achieved involving further stipulations. Community Development Manager Wayne Balmer indicated that a letter in addition to the ordinance may suffice rather than reintroduction of a new ordinance.

- \*i. **Z98-82(B)** The 7800 block of East Hermosa Vista Drive (south side). Rezone from R1-35 to R1-35-PAD (40+/- acres). This case involves the second phase of development of a gated single-residence subdivision with private streets (49 lots).

Councilmember Jaffa indicated that he had a potential conflict of interest in connection with the matter now under discussion which he wanted recorded in the minutes of the meeting, and because of such conflict of interest, he would refrain from voting upon or otherwise participating in any manner in connection with same.

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

6. Consider the following resolutions.

- \*a. Authorizing the City Manager to execute an agreement between the City of Mesa and the East Valley Institute of Technology for funding for the Safe Schools Program.

*and*

- \*b. Authorizing the City Manager to execute an agreement between the City of Mesa and the Arizona Department of Public Safety on behalf of the Arizona Peace Officer and Standards and Training Board, on behalf of the Arizona Regional Community Policing Institute for Cooperative Assistance for Peace Officer Training pursuant to A.R.S. §11-951.

*and*

- \*c. Authorizing the City Manager to execute an agreement between the City of Mesa and Mesa Unified School District #4 for the funding for the Safe Schools Program.

Councilmember Hawker requested information pertaining to costs associated with the employment of police officers, including police vehicles, if applicable. Mr. Luster stated that staff will prepare the requested information.

Councilmember Davidson noted Council's previous suggestion concerning an audit to determine the effectiveness of the Safe Schools Program.

- \*d. Encouraging citizen participation during the zoning and development review process.  
**CONTINUED FROM THE OCTOBER 5, 1998 COUNCIL MEETING.**

Councilmember Hawker asked that this item be removed from the consent agenda.

Mr. Balmer responded to questions from Councilmember Hawker pertaining to implementation on a voluntary basis, anticipated methods for monitoring participation and effectiveness, and supplementary staffing requirements.

Councilmember Jaffa stated that he previously indicated agreement for implementation on a voluntary basis but expressed concern regarding additional personnel costs.

- \*g. Setting December 7, 1998 as the date for the hearing on the continuation of the Mesa Town Center Improvement District. This District provides enhanced municipal services for the Mesa Town Center.

Public Works Manager Harry Kent distributed to Council a copy of a letter intended to be mailed to Mesa Town Center property owners on November 3, 1998.

City Attorney Neal Beets informed Council that a "Survey of Opinion" is included on the reverse side of the letter allowing individuals to indicate whether they support, protest, or have no opinion concerning the continuation of the Town Center Improvement District. Mr. Beets stated that a "Comments" section is additionally included and that surveys must be signed by property owners and notarized as required by State law. Mr. Beets said that the survey is intended as a tool to assist Council in making a determination concerning the District and noted that pursuant to a resolution adopted by Council in 1985, if a majority of the (entitled) property owners protest, the District will be discontinued.

Mayor Brown advised that Council previously requested that staff develop alternatives for consideration in reference to the District. Mayor Brown suggested that this issue be discussed at the upcoming special Council work sessions.

Mr. Beets said that Item 6g establishes December 7, 1998 as the date for the hearing on the continuation of the District and that 30 days' notice of the hearing is required by State law. Mr. Beets stated that Council action is necessary in December but can be continued from December 7 to December 21 (the second Regular Council Meeting in December) if determined appropriate.

Councilmember Hawker commended staff for their efforts in developing the survey. At the request of Councilmember Hawker, Mr. Beets explained that although four Councilmembers (majority) have a potential conflict of interest in reference to this issue, all members will be requested to participate in order to take action on the matter. Mr. Beets noted that the potential conflicts of interest have previously been recorded.

Following additional brief comments, Council requested that alternative measures be prepared for consideration at the upcoming special Council work sessions.

7. Consider the following ordinances.

- \*b. Pertaining to development impact fees; amending Title 5, Chapter 17 relating to development fees; and providing penalties for the violation thereof.

Councilmember Hawker requested that this item be removed from the consent agenda. Councilmember Hawker expressed concern relative to use of the term "may" instead of "shall" in reference to the imposition of inflationary escalators based on adjustments in the Consumer Price Index (CPI).

Assistant to the City Manager Bryan Raines briefly presented background information concerning the revised language in response to comments received from the Mesa Chamber of Commerce, Motorola, and Valley

Partnership. Brief discussion ensued concerning Council's discretion to adjust development fees annually and the CPI to be utilized in relation to such adjustments.

Councilmember Pomeroy spoke in favor of the term "may."

Councilmember Hawker stated the opinion that mandatory adjustments will result in increased financial stability for the City.

Councilmember Jaffa noted favorable opportunities afforded developers given the City's lack of a property tax.

Mr. Raines advised that the development fee program was adopted by Council in July 1998, to become effective November 1, 1998, and that the ordinance before Council presents modifications/clarifications to the program.

Mayor Brown requested that staff contact individuals who have provided input concerning the revisions/clarifications to notify them that this item will be discussed at the November 2, 1998 Regular Council Meeting.

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

- \*a. Adopting the proposed operational policies and fees for the Red Mountain Multigenerational Center facility rental.

In response to a question from Councilmember Davidson, Parks, Recreation, and Cultural Director Joe Holmwood outlined the proposed fee structure, discount hours/fees, and fitness features of the multigenerational center. Parks and Recreation Administrator Bob White stated that the proposed fees are approximately low- to mid-range in comparison to competitive facilities offering similar amenities.

Discussion ensued concerning user fees, proposed periodic evaluation, utilization of the kitchen facility, and the anticipated opening date of February 1999.

Councilmember Davidson spoke in favor of an annual review, stating concern that the proposed fees may be excessive.

Vice Mayor Giles and Councilmember Pomeroy noted that the proposed fees may be greater than fees charged by competitive facilities and suggested further review.

2. Consider a status report on Phase I of the Main Street streetscape project.

City Engineer Keith Nath displayed a map and presented an update concerning the construction of the first phase of the Main Street streetscape improvements along Main Street from Country Club Drive to Robson. Mr. Nath advised that the contractor began construction on July 6, 1998, has completed the installation of underground facilities, and is currently completing hardscape materials (e.g., curb and gutter, pavers, and sidewalks). Mr. Nath said that work to be completed by November 7, 1998 includes signage and surface pavement and striping. Mr. Nath noted that the installation of the pedestrian light poles and fixtures, kiosks, and control cabinets that provide power for the holiday lighting outlets (for trees) will not be completed by November 7.

Mr. Nath stated that it is staff's recommendation to end construction on the first phase of the project by November 7 to accommodate the holiday season and resume construction in March of 1999. Mr. Nath

indicated that the contractor has put forth a good effort relative to the initial work and that during the holiday shutdown, staff will review scheduling and design coordination with the contractor. Mr. Nath noted that if necessary, staff will consider allowing the contractor to resume construction in February 1999 to accomplish work to be completed by November 1999.

Discussion ensued regarding plans relative to the anticipated Voit project, the feasibility of resuming construction in February 1999, the importance of input from business owners concerning scheduling, and the recommendation to complete the first phase of the project on November 7 rather than November 1 (original estimate) so that sections of Main Street do not remain in an unfinished state.

Council expressed appreciation to staff and the Mesa Town Center Corporation (MTCC) for their efforts.

(At 8:37 a.m., Councilmember Kavanaugh was excused for the remainder of the meeting.)

3. Hear and consider a report on the scheduling of Phase II improvements for the Main Street streetscape project.

Engineering Design Director Peter Knudson displayed a map and advised that the plans for the Phase II improvements for the Main Street streetscape project are anticipated to be completed in early January 1999. Mr. Knudson stated that it is recommended that staff be directed to complete the design and bid the project in the Fall of 1999, with construction to begin in late Spring 2000 following the completion of Phase I.

Mr. Knudson outlined options available concerning the project, including: a) bid and begin construction of Phase II as soon as plans are available (work would commence in approximately April 1999 and would be completed sooner but would conflict/coincide with the Mesa Verde project) and b) bid Phase II during the Fall of 1999 but delay construction until Phase I and the Mesa Verde construction on University Drive and Mesa Drive are completed (recommended alternative).

Staff briefly responded to questions from Council pertaining to the recommended option.

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

Upon a tabulation of votes, it showed:

AYES - Brown-Davidson-Giles-Hawker-Jaffa-Pomeroy

NAYS - None

ABSENT - Kavanaugh

Mayor Brown declared the motion carried unanimously by those present.

Mayor Brown thanked Mr. Knudson for the report.

4. Discuss and consider a proposed Request for Proposal (RFP) for Site 23, Temple Court.

Redevelopment Director Greg Marek stated that staff has prepared a Request for Proposal (RFP) for a residential development project for Site 23 (Temple Court) and that staff and the Downtown Development Committee (DDC) recommend that staff be directed to issue the RFP. Mr. Marek advised that three developers have expressed interest in redeveloping Site 23.

Discussion ensued concerning the type of project anticipated (affordable versus high-end housing). Mr. Marek commented that the RFP does not specify a type of development and that all proposals will be

reviewed by the DDC prior to submitting a recommendation for Council consideration.

Councilmember Jaffa spoke concerning the recent approval of affordable housing along the north side of Main Street and the significant investment of funds in the downtown area south of Main Street (e.g., performing arts center). Councilmember Jaffa encouraged efforts to attract high-end development for Site 23.

Mayor Brown noted the importance of overall planning and policy development and suggested that this item be discussed at the upcoming Council work sessions.

Councilmember Hawker concurred with Mayor Brown and recommended a study of the downtown area. Councilmember Hawker expressed the opinion that an RFP for Site 23 should not be issued at this time.

Mr. Marek stated that the City is in the process of acquiring remaining property within the Temple Court area and is exploring potential partnerships with existing property owners. Mr. Marek expressed the opinion that the RFP process represents an opportunity to obtain proposals that will enhance the neighborhood.

Council and staff spoke concerning items for review at the upcoming Council work sessions, the DDC's retreat to be held this date/implementation of items contained in the Connections report, and the merits of issuing an RFP for Site 23 at this time. Following discussion, Mayor Brown requested that issuance of an RFP for Site 23 be delayed pending Council's planning sessions.

5. Discuss and consider options available for a pedestal clock to be located at the northeast corner of Main Street and Macdonald Street as part of the Main Street streetscape project.

Mr. Marek informed Council that as a component of the development agreement for Site 21, Voit Companies has agreed to purchase and install a pedestal clock at the northeast corner of Main Street and Macdonald, the location of the original Valley Bank Clock. Mr. Marek stated that four options have been reviewed by staff and the DDC and that it is recommended that Council approve Option 4 (the historic Valley Bank Clock). Mr. Marek noted the historical significance of the proposed clock and stated that the majority of the original clock parts are available. Mr. Marek said that should Option 4 be approved, it is staff's recommendation that "Mesa Town Center" be positioned on the new panels in place of "The Valley Bank."

Following brief discussion, Mayor Brown stated that it is the consensus of Council present to concur with the recommendation of staff and the DDC.

6. Consider a proposed ordinance concerning dispensing of tobacco products.

City Attorney Neal Beets reported that the proposed ordinance concerning the dispensing of tobacco products is premised on a similar ordinance adopted in Gilbert, with the exception of the penalty provisions. Mr. Beets briefly reviewed the ordinance, including penalty provisions for habitual offenders. Mr. Beets advised that the ordinance is scheduled for introduction at the November 2, 1998 Regular Council Meeting.

Mr. Beets responded to questions from Council pertaining to the utilization of funds collected in relation to the penalty provisions, anticipated time frames for implementation (delayed effective date), enforcement, and support from the business community.

It was moved by Vice Mayor Giles, seconded by Councilmember Davidson, that an ordinance concerning the dispensing of tobacco products be placed on the agenda for introduction at the November 2, 1998 Regular Council Meeting.

In response to a question from Councilmember Jaffa, Mr. Beets stated that it is not anticipated that additional staff will be necessary should the proposed ordinance be approved. Councilmember Jaffa expressed concern regarding the utilization of City funds for social programs and suggested that this topic be considered at the Council work sessions.

Councilmember Hawker indicated support for placing the measure on the agenda for introduction but said that he may not vote in favor of approval. Councilmember Hawker stated the opinion that such action should more appropriately be undertaken by retailers and expressed concern relative to the definition of "accessible."

In response to a question from Councilmember Hawker, Vice Mayor Giles spoke concerning the intent of the proposal to discourage teenage smoking and shoplifting.

Upon a tabulation of votes, it showed:

AYES - Brown-Davidson-Giles-Hawker-Jaffa-Pomeroy  
NAYS - None  
ABSENT - Kavanaugh

Mayor Brown declared the motion carried unanimously by those present.

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

- a. Adjustment Board meeting held October 6, 1998.
- b. Parks and Recreation Board meeting held October 8, 1998.
- c. Traffic Safety Committee meeting held October 20, 1998.

It was moved by Councilmember Pomeroy, seconded by Vice Mayor Giles, to acknowledge receipt of the minutes of the meetings of the above-listed boards and committees.

Upon a tabulation of votes, it showed:

AYES - Brown-Davidson-Giles-Hawker-Jaffa-Pomeroy  
NAYS - None  
ABSENT - Kavanaugh

Mayor Brown declared the motion carried unanimously by those present.

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

Councilmember Hawker spoke regarding a book he received at the League of Arizona Cities and Towns Conference last week entitled "Growth in Arizona."

Councilmember Hawker reported on a recycling and trash disposal seminar he recently attended.

Councilmember Jaffa advised that he recently attended a Greater Phoenix Economic Council (GPEC) dinner. Councilmember Jaffa expressed concern relative to the City's participation in GPEC/efforts to attract business and suggested Council review regarding organizations funded by Mesa.

9. Scheduling of meetings and general information.

Mr. Luster stated that the meeting schedule is as follows:

Monday, November 2, 1998, 5:45 p.m. - Regular Council Meeting

Thursday, November 5, 1998, 7:30 a.m. - Policy/Study Session (followed by a Police Committee Meeting)

Wednesday, November 11, 1998, 1 p.m. - Work Session

Thursday, November 12, 1998, 7:30 a.m. - Work Session

Friday, November 13, 1998, 7:30 a.m. - Work Session

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

There were no prescheduled public opinion appearances.

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

Ron Fehribach, 241 East 1st Avenue, #26, advised that he is a resident in the Site 23 area. Mr. Fehribach presented background information pertaining to ownership/management of the apartment complex at which he resides and related concerns pertaining to what he believes are health and safety risks posed by a lack of adequate City codes and enforcement provisions. Mr. Fehribach advised Council that individuals are attempting to strategize in response to the City's interest in redevelopment of the area.

Mayor Brown thanked Mr. Fehribach for his input.

In response to a question from Mayor Brown, Community Development Manager Wayne Balmer advised that Community Development Block Grant (CDBG) funds were previously utilized at this location given the substantial disrepair of the premises and that Section 8 housing was relocated due to inadequate maintenance. Mr. Balmer stated the opinion that Mr. Fehribach's concerns relate to the City's lack of a housing code that would allow greater maintenance enforcement inside dwellings.

12. Adjournment.

Without objection, the Study Session adjourned at 9:31 a.m.

\_\_\_\_\_  
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 29th day of October 1998. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this \_\_\_\_ day of \_\_\_\_\_ 1998

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