

# COUNCIL MINUTES

December 13, 2001

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 December 13, 2001 at 7:30 a.m.

## COUNCIL PRESENT

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

## COUNCIL ABSENT

None

## OFFICERS PRESENT

Mike Hutchinson  
Deborah Spinner  
Barbara Jones

### 1. Review items on the agenda for the December 17, 2001 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 items:

Mayor Hawker declared potential conflicts of interest on agenda items 6d (Gas Line Replacement. Redwood Gardens Trailer Park), 6f (Dobson Ranch Golf Clubhouse and Site Renovations. City of Mesa Project No. 00-73) and 6g (Desert Wells #11 Equipment and Piping. City of Mesa Project No. 02-068) and said he would refrain from discussion/participation on these items.

Vice Mayor Davidson declared potential conflicts of interest on agenda items 8f (Granting an underground power easement to Salt River Project for Fire Station No. 202) and 10a (Modifying the Electric Rate Schedules and establishing Electric Rules and Regulations) and said he would refrain from discussion/participation on these items.

Mayor Hawker, Councilmember Pomeroy and Councilmember Jaffa declared potential conflicts of interest on agenda item 8a (Approving the continuation of the Mesa Town Center Improvement District No. 228 for an additional five (5) years) and said they would refrain from discussion/participation on this item.

2. Hear a presentation from representatives of CityNet Telecommunications, Inc. regarding a proposed electronic streets project and consider future Council action.

Councilmember Kavanaugh, recently elected as Vice Chairman of the National League of Cities' Information Technology and Communications Committee, expressed support for staff's recommendation that the City grant access to CityNet Telecommunications, Inc. (CityNet) to use the public sewer system for the purpose of installing, maintaining and licensing to third parties for a fee the use of a dark (unlit) fiber optic network and related facilities and equipment. He advised that this method of installation would minimize the disruption of traffic flow and also preserve Mesa's street infrastructure. Councilmember Kavanaugh thanked staff for bringing this important issue to the Council's attention.

E-Streets and Licensing Director Dan Brewer and King Golden, a representative of CityNet, addressed the Council and provided brief historical background relative to this agenda item. Fiber optic cables currently carry the bulk of telephone calls, Internet traffic and other data communication across the country and among major cities. Older, slower copper wires carry data between telephone company central offices and the homes and businesses they serve, a span known as "the last mile." Mr. Golden reported that it is the intent of CityNet to install fiber optic cable in Mesa sewer system pipe to connect various buildings and lease cable strands to telecommunications carriers looking for the fiber optic connection from the central office to the doorstep of buildings. Mr. Golden stated that the connectivity will be accomplished through the use of a robotic device known as SAM (Sewer Access Module).

(The Council viewed a videotape presentation regarding the installation and maintenance of the fiber optic network.)

Mr. Golden advised that prior to the installation of the fiber optic network, it takes approximately six months for CityNet representatives to inspect the sewer lines, establish a cable route and obtain written permission from building owners to gain access to their buildings. He commented that CityNet representatives will also seek City approval for every segment of the proposed cable route prior to installation.

Discussion ensued relative to the fact that upon installation of the fiber optic network, CityNet will clean the sewer system once a year and inspect the sewer pipes to ensure its sufficient operation; the fact that CityNet will assist City staff to promote the advantages of a broadband city, and the fact that high-speed networks will attract new business and retain existing business in Mesa, expand a highly skilled workforce, and also promote general economic development through technological availability and upgrades.

Mr. Golden outlined various provisions of the License Agreement between CityNet and the City of Mesa.

Vice Mayor Davidson voiced appreciation for CityNet's recognition of the City's infrastructure and its willingness to minimize the disruption of traffic flow and economic loss associated with such disruption.

In response to a question from Vice Mayor Davidson, Mr. Brewer clarified that CityNet offers Mesa a variety of advantages in the installation of a fiber optic network versus traditional

construction methods including a lessened impact on the City rights-of-way and the linkage of infrastructure between telephone company central offices and homes and businesses in “the last mile.”

In response to concerns expressed by Councilmember Whalen regarding the collapse of the telecommunications industry and the fact that 95% of the fiber optic cable which has been laid is dark (unlit), Mr. Golden clarified that such fiber is infrastructure long-haul fiber between cities, and that CityNet’s niche is connecting from building to building. He added that the public sewer line is an effective system due to its close proximity to the buildings, easy access and minimal trenching.

In response to a question from Councilmember Jaffa, Mr. Brewer explained that he will make a presentation to the Council at a future Study Session relative to expanding Mesa’s proposed fiber optic network to include Falcon Field and Williams Gateway Airports (WGA).

Councilmember Jaffa voiced support for staff’s recommendation and noted that the partnership between Mesa and CityNet provides the City with an opportunity to create new revenue streams. He thanked everyone for the informative presentation.

City Manager Mike Hutchinson informed the Council that it is the recommendation of staff to place this matter on the December 17, 2001 Regular Council Meeting agenda for Council action.

It was moved by Councilmember Pomeroy, seconded by Councilmember Whalen, that this item be placed on the agenda of the December 17, 2001 Regular Council Meeting for Council action.

In response to a question from Vice Mayor Davidson regarding a backup to the CityNet loop system, Mr. Brewer noted that although Mesa has infrastructure in the downtown area, no commercial infrastructure exists that would serve as a backup to the CityNet proposal.

Carried unanimously.

Mayor Hawker thanked everyone for their presentation.

3. Discuss and consider funding recommendations for the 2002 Mesa ABC Program.

Community Revitalization Director Kit Kelly and Human Services Coordinator Debra Determan addressed the Council relative to this agenda item. Ms. Kelly acknowledged the presence in the audience of Greg Holtz, Chairman of the Housing and Human Services Advisory Board, Diane Rutherford, a representative of the Arizona Republic Charities (ARC), and Human Services Specialist Nichole Wamble.

Ms. Determan advised that the Housing and Human Services Advisory Board is seeking Council approval of its funding recommendations. She commented that the Board reviewed 26 proposals and recommends the distribution of \$308,637, of which \$205,758 was collected by the City, with the remainder being matching funds from the ARC. She stated that the distributions would be allocated to 21 human services agencies which focus on early

intervention and prevention services, transitional services, long-term support, crisis services and system support.

Councilmember Pomeroy voiced appreciation to the ARC and the City utility customers for their generous donations to the 2002 Mesa ABC (A Better Community) program.

Councilmember Walters commended staff and the Housing and Human Services Advisory Board for their hard work and commitment to the community.

It was moved by Councilmember Walters, seconded by Vice Mayor Davidson, that the funding recommendations from the Housing and Human Services Advisory Board for the 2002 Mesa ABC program be approved.

Councilmember Kavanaugh thanked the Housing and Human Services Advisory Board for their efforts during the proposal review process and also spoke in appreciation of staff. He added that the collaboration of private and corporate money will greatly enrich Mesa's Human Services agencies. Councilmember Kavanaugh also commended staff for including in the Council Report comments presented by staff and the Boardmembers during their deliberation process.

Mayor Hawker spoke in support of the Housing and Human Services Advisory Board's recommendations, but stated the opinion that the pre-printed donations should not be included in the City's utility bills. He suggested that Council consider reformatting the utility bills to allow for voluntary citizen contributions.

Vice Mayor Davidson expressed appreciation to Chairman Greg Holtz and the tireless commitment of the entire Housing and Human Services Advisory Board. He also commended the generosity of the Mesa utility customers for their donations to the Mesa ABC program.

Carried unanimously.

Mayor Hawker thanked everyone for their presentation.

4. Hear an update regarding County/City participation on funding of the Gilbert Road improvement project.

City Manager Mike Hutchinson addressed the Council relative to this agenda item and reported that staff is currently conducting ongoing negotiations with representatives of Maricopa County and the Salt River Pima-Maricopa Indian Community with regard to funding opportunities for the Gilbert Road improvement project. He advised that staff will make a presentation to the Council at a future Study Session relative to this matter.

5. Hear an update and consider issues associated with the Multipurpose Facility.

City Manager Mike Hutchinson and Senior Civil Engineer Kelly Jensen updated the Council relative to this agenda item. Mr. Hutchinson referred to an aerial photograph displayed in the Council Chambers and briefly reviewed various points of interest including the 250-acre Hurley property; Riverview Golf Course and Riverview Park; Mesa's expanded water reclamation facility; property currently owned by Arizona State University, and a possible site for 10,000 to

15,000 additional parking spaces currently owned by the Salt River Pima-Maricopa Indian Community. He reported that the Tourism and Sports Authority (TSA) has extended its deadline until December 14, 2001 for cities to submit letters of interest regarding the multipurpose facility. Mr. Hutchinson stated that revisions are being made to the City's previously submitted proposal and that it will be resubmitted by tomorrow's deadline.

Mr. Hutchinson noted that staff is currently conducting an analysis relative to the possible alignment of the stadium in the area of the Riverview Golf Course. He stated that staff has also met with the TSA to discuss revenue streams and the City's ability to finance the facility's required infrastructure, including a plaza around the facility and additional parking requirements. Mr. Hutchinson added that it has become apparent that there are significant costs associated with the TSA's parking requirements which staff was unaware of initially.

Mr. Hutchinson outlined the TSA's proposed timeline regarding this issue including a public hearing next week; a tentatively scheduled December 21<sup>st</sup> meeting, at which time the TSA will narrow the list to ten sites and ask those cities to submit Requests for Proposals (RFP). He stated that the submittal for the RFP will be a six to eight-week process and that the various cities will be requested to provide detailed site and financial information. Mr. Hutchinson noted that although the media has indicated that the submission and review process by the TSA is moving too quickly, he assured the Council that staff will respond to the TSA's schedule in a timely manner and will continue to update the Council.

Discussion ensued relative to the fact that during a recent visit to one of Mesa's proposed sites by the TSA, a reference was made to a 30-foot water table; the fact that staff's initial findings indicated that the information was outdated and erroneous, and that further analysis will be conducted with regard to this matter.

Mr. Hutchinson advised the Council that the City of Tempe has not contacted staff with reference to its willingness to reconsider the previously submitted Tempe/Mesa joint site as a possible location for the multipurpose facility.

In response to a question from Mayor Hawker, Mr. Hutchinson clarified that it is the opinion of the TSA that the Johnson Stewart aggregate mining facility would not be an appropriate site for the multipurpose facility due to the difficulty in constructing a stadium at that location. He added that all of the property within the outlined area on the aerial photograph will be included in the City's submittal to the TSA.

In response to a question from Councilmember Pomeroy, Mr. Hutchinson clarified that Riverview Park is not included within the City's proposal and that staff is attempting to preserve the park for Mesa residents.

In response to a question from Mayor Hawker, Mr. Hutchinson assured the Council that the City's letter of interest to the TSA in no way represents a financial commitment by the City at this point in time.

Councilmember Jaffa stated that the enabling legislation speaks to a multipurpose facility and said that he is asking that the legislation be respected in the design of the product. He also voiced support for staff's ongoing dialogue with the Indian Community regarding additional

parking which would provide the City and the Indian Community with an opportunity to develop shared revenue streams.

Councilmember Walters expressed support for staff's efforts to proceed forward with its letter of interest to the TSA. She also assured Mesa citizens that the Council is doing nothing more than exploring options and emphasized that no financial commitment has been made by the Council relative to this matter.

Councilmember Kavanaugh concurred with Councilmember Walters' comments and stated that the City's interest in pursuing this issue does not financially obligate it in any manner. He commented that Mesa's proposed sites offer unique, long-term economic opportunities for not only Mesa, but also other East Valley communities.

Mayor Hawker announced that representatives of Mesa, Tempe, Scottsdale and the Indian Community will meet today to discuss the possibility of a joint commitment to support a multipurpose facility which would economically benefit the entire East Valley.

Councilmember Whalen thanked staff for their hard work and effort relative to this matter and also acknowledged former City Manager Charles Luster for his contributions during this process. He stated the opinion that Mesa has always been the best site for a multipurpose facility and encouraged Mayor Hawker to ask for support from neighboring communities to ensure that the facility is developed in the East Valley.

Vice Mayor Davidson concurred with Councilmember Whalen's comments and encouraged the media to give Mesa more favorable coverage as the community with the most viable sites.

In response to a question from Mayor Hawker, Mr. Hutchinson explained that staff will make a presentation to the Council at a future Study Session regarding a cost analysis of the public improvements and revenues which will be generated by the multipurpose facility.

Mayor Hawker requested input from the Councilmembers regarding whether to request that the TSA extend the time frame for the submission of site proposals or to adhere to the currently proposed timeline.

Vice Mayor Davidson stated the opinion that no further delays should be imposed regarding the submission of site proposals.

Councilmember Whalen expressed support for the current timeline until staff has made a presentation to the Council regarding the City's financial position relative to this matter.

Councilmember Walters commented that in her opinion, Mesa will not be the driving force with regards to whether the TSA extends the time frame for the submission of site proposals.

Mayor Hawker clarified that his suggestion was to negotiate with the TSA to extend the time frame for the communities that are selected as finalists. He added that the extension would provide the East Valley communities with additional time to meet and formulate a multi-jurisdictional proposal.

Councilmember Walters advised that although she would be in support of a multi-jurisdictional proposal, she concurred with Councilmember Whalen that the current process should not be delayed and that it is imperative that staff prepare a cost analysis of the proposed public improvements and revenues associated with the multipurpose facility.

Councilmember Pomeroy commented that it is important that a cost analysis be completed and added that it would be advantageous to have some flexibility within the TSA's current timeline.

Mayor Hawker thanked Mr. Hutchinson for his presentation.

6. Acknowledge receipt of minutes of boards and committees.

- a. Fire Committee meeting held November 29, 2001.
- b. Historic Preservation Committee meeting held November 8, 2001.
- c. Human Relations Advisory Board meeting held November 28, 2001.
- d. Transportation Advisory Board meeting held November 20, 2001.
- e. Transportation Committee meeting held November 19, 2001

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

Carried unanimously.

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

Mayor Hawker reported on his and several Councilmembers' recent attendance at the National League of Cities (NLC) conference in Atlanta, Georgia. He briefly discussed his tour of Atlanta's innovative transit system.

Councilmember Kavanaugh stated that he also attended the NLC conference and discussed his participation on the Information Technology and Communications Committee. He explained that the Committee presented its federal policy recommendations to the NLC including communities bridging the digital divide; telecommunications interoperability relative to public safety services, and effects on infrastructure in terms of rights-of-way.

Mayor Hawker congratulated Councilmember Kavanaugh on his selection as Vice Chairman of the Information Technology and Communications Committee and acknowledged his efforts to rise to a national leadership position.

Vice Mayor Davidson commented on his attendance at the NLC conference and discussed his participation on the Energy, Environment and Natural Resources Subcommittee. He discussed a variety of policy statements which were set forth including affordable electrical rates nationwide and the establishment of an emergency electrical assistance fund for low-income families. Vice Mayor Davidson also reported on a variety of resolutions which the subcommittee approved including infrastructure financing and environmental terrorism.

Mayor Hawker stated that he attended a meeting last night of the Maricopa Association of Governments' (MAG) Regional Council in which the topic of discussion was whether a large master planned development at 211<sup>th</sup> Avenue and I-10 would have a regional impact on I-10. He stated that the Regional Council requested that an analysis be conducted to determine whether the developer of the community could mitigate the potential for a regional impact.

Vice Mayor Davidson provided Planning Director Frank Mizner with a report that he received at the NLC conference which addresses building quality communities. He urged Mr. Mizner to distribute the report to members of the Planning and Zoning Board as well as Planning staff.

Councilmember Jaffa informed the Council that on Saturday, December 15, 2001, the Friends of the Tonto Committee has scheduled a field trip to tour the park area bordering northeast Mesa. He extended an invitation to the Council and staff to attend.

Councilmember Jaffa reported on his recent attendance as Mesa's representative at a meeting of the Tourism and Sports Authority (TSA) regarding the multipurpose facility. Mayor Hawker thanked Councilmember Jaffa for his participation at the gathering.

8. Scheduling of meetings and general information.

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

Monday, December 17, 2001, TBA – Study Session

Monday, December 17, 2001, 5:45 p.m. – Regular Council Meeting

Thursday, December 20, 2001, 7:30 a.m. – Study Session

Thursday, December 27, 2001 – Study Session Cancelled

Thursday, January 3, 2002, 7:30 a.m. – Study Session

Monday, January 7, 2002, TBA – Study Session

Monday, January 7, 2002, 5:45 p.m. – Regular Council Meeting

9. Prescheduled public opinion appearances.

There were no prescheduled public opinion appearances.

10. Items from citizens present.

There were no items from citizens present.

11. Adjournment.

Without objection, the Study Session adjourned at 9:23 a.m.

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KENO HAWKER, MAYOR

ATTEST:

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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 13<sup>th</sup> day of December 2001. I further certify that the meeting was duly called and held and that a quorum was present.

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BARBARA JONES, CITY CLERK

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