

## COUNCIL MINUTES

June 27, 2002

The City Council of the City of Mesa met in a Special Council Meeting in the lower level meeting room of the Council Chambers, 57 East 1st Street, on June 27, 2002 at 7:30 a.m.

### COUNCIL PRESENT

Mayor Hawker  
Dennis Kavanaugh  
Rex Griswold  
Kyle Jones  
Janie Thom  
Mike Whalen

### COUNCIL ABSENT

Claudia Walters

### OFFICERS PRESENT

Mike Hutchinson  
Debbie Spinner  
Barbara Jones

(Mayor Hawker excused Councilmember Walters from the entire meeting.)

#### 1. Convene an Executive Session.

It was moved by Vice Mayor Kavanaugh, seconded by Councilmember Griswold, that the Council enter into an Executive Session.

Mayor Hawker declared the motion carried unanimously by those present.

#### 2. Adjournment.

Without objection, the Special Council Meeting adjourned at 7:31 a.m.

#### 3. Reconvene Special Council Meeting following an Executive Session.

(The Special Council Meeting reconvened at 8:43 a.m.)

#### 4. Discuss and consider extending the MOU regarding the Multipurpose Facility as amended by the TSA.

City Attorney Debbie Spinner addressed the Council and provided a brief update of this agenda item. She stated that the Memorandum of Understanding (MOU) relative to the Multipurpose Facility site selection process, which the City of Mesa previously entered into with the Tourism and Sports Authority (TSA), was scheduled to expire on June 26, 2002; that the TSA took action

to extend the deadline for a period of one day and that City Manager Mike Hutchinson approved the extension pending Council approval; that along with the extension, the TSA added several amendments to the MOU, and that the purpose of this agenda item is to obtain Council approval to extend the MOU and to continue the City's participation in the process.

Councilmember Whalen, who has spearheaded Mesa's efforts in this regard, provided a chronological overview of events relative to the City's participation in the negotiation process over the past several months.

In response to a question from Mayor Hawker concerning the fact that the agenda contains two items related to the Multipurpose Facility, Ms. Spinner clarified that the TSA amended the original MOU and it is necessary for the Council to first consider whether or not to agree to such amendments, and secondly, to decide whether to extend the document. Ms. Spinner also stated that in conjunction with agenda item 4, the Council must also consider whether to withdraw Resolution No. 7854, which called for a Special Election to take place on September 10, 2002, or to proceed forward with the election. She noted that if the Council terminates the MOU, but fails to take appropriate action to withdraw the Resolution calling for the Special Election, the ballot language would remain intact due to the fact that the City would continue to have a viable referendum pending.

In response to a question from Mayor Hawker, Ms. Spinner advised that should the Council reject the TSA's proposed amendments to the MOU, the document would terminate. She added, however, that the Council is at liberty to add amendments to the MOU which, in turn, would be submitted to the TSA for its review and consideration.

Ms. Spinner briefly outlined the TSA's proposed amendments to the original MOU including: 1. All deadlines will be extended to September 10, 2002; 2. The City shall acknowledge that the TSA may negotiate with other potential host cities and that Mesa is no longer considered the primary site, and 3. The TSA, at its discretion, may terminate the MOU for any reason or at any time.

Discussion ensued relative to City compliance with various provisions contained in the original MOU including an archaeological study at the proposed site and the acquisition of land at Arizona State University (ASU) for an athletic field.

Ms. Spinner proposed a series of amendments to the MOU for Council consideration including:

1. That the City agrees to provide 16,400 parking spaces within walking distance of the Multipurpose Facility and will continue to work towards securing 3,600 additional spaces.
2. Amending the language in the original MOU to indicate that the City agrees to provide sufficient land for the Multipurpose Facility and 16,400 parking spaces. The parking designation will be in walking distance of the Multipurpose Facility, but may be different than what was first submitted.
3. That the City is committed to providing \$300,000 for marketing of the Multipurpose Facility.
4. That land acquisition costs for 1,200 parking spaces located on the Hurley property will not be borne by the City (See June 26, 2002 letter from the TSA to City Manager Mike Hutchinson).

5. Removal of the provision in the original MOU indicating that the TSA shall have received approval from the City for material design elements of the Multipurpose Facility.
6. That like the TSA, the Council shall have an equal right to terminate the MOU for any reason that it deems is not appropriate for the City of Mesa.

It was moved by Vice Mayor Kavanaugh, seconded by Councilmember Jones, to extend the MOU relative to the Multipurpose Facility, as amended by the TSA, to recommend that the above-referenced six elements be included in the document, and that staff be directed to draft the necessary language to affect such amendments.

In response to a question by Ms. Spinner whether the Council wishes to include a seventh amendment to the MOU requiring that the archaeological study be conducted in a timely manner as the TSA begins construction at the Multipurpose Facility site, Vice Mayor Kavanaugh stated that he would modify his motion to include the additional amendment as recited by Ms. Spinner.

Councilmember Jones concurred with the suggested revision to the motion.

Mayor Hawker, in response to a series of questions posed by Dianne Woods, 1426 West Pepper Place, discussed the \$38.5 million proposed cost for the Multipurpose Facility; noise mitigation in the surrounding neighborhoods, and various public safety issues.

Mayor Hawker declared the motion carried unanimously by those present.

5. Discuss and consider moving forward with the Special Election set for September 10, 2002.

Mayor Hawker announced that this is the time and place for a public hearing regarding moving forward with the Special Election set for September 10, 2002.

Dale Bunch, 312 N. Henkel Lane, addressed the Council relative to this agenda item and expressed concerns regarding the proximity of the Multipurpose Facility to the existing Riverview Park. He also stated the opinion that it should not be the role of the City to subsidize professional football.

Mayor Hawker advised that the following citizens filled out blue Speaker/Comment cards indicating opposition, but did not wish to address the Council relative to the Multipurpose Facility, which will be on the ballot of the September 10, 2002 Special Election:

Shirley Wheat	2262 W. Del Oro
William Schultz	1306 W. 9 <sup>th</sup> Street
Karen Fisher	1306 W. 9 <sup>th</sup> Street
Carol Anderson	1328 W. 7 <sup>th</sup> Street
Herb Miller	1466 W. 5 <sup>th</sup> Street
C.J. O'Donoghue	1729 W. Belfast
Alicia Thomas	1729 W. Belfast
Mischel Whipple	1637 W. Alcott Street
Brian & Karen Knight	2241 E. Dolphin Street
Daniel & Darlene Pagan	1347 W. 1 <sup>st</sup> Place

Darrell & Sharlene Knight	862 W. 11 <sup>th</sup> Street
James Quinlan	523 W. 9 <sup>th</sup> Street
Charmaine McCleve	no address provided
Teresa Cheney	1541 W. 4 <sup>th</sup> Place
Leticia Ball	1711 W. 2 <sup>nd</sup> Street
Mr. & Mrs. William Baka	1733 W. Decatur Street
Eugene Barkl	1017 W. Heather

Mayor Hawker advised that the following citizens filled out blue Speaker/Comment cards and expressed support, but did not wish to address the Council relative to the Multipurpose Facility which will be on the ballot of the September 10, 2002 Special Election:

Robert Brinton	4011 E. Fairview Circle
Charlie Deaton	5304 E. Hannibal
Dennis Lambson	1846 E. Glencove Street

The following citizens spoke in support of the Multipurpose Facility which will be on the ballot of the September 10, 2002 Special Election:

Jeff Martin	2200 W. Broadway Road
Cris Tuter	200 N. Centennial Way
Wayne Pomeroy	444 W. Fairway Circle

Citizens spoke in support of the Multipurpose Facility for the following reasons:

- The facility will serve as a major economic generator for the entire City.
- Mesa voters deserve the opportunity to decide this issue.
- The facility will encourage business development within the community.
- The Mesa Citizens for Responsible Public Policy will mount a vigorous campaign to educate Mesa voters on the benefits of a Multipurpose Facility.

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

In response to a series of questions posed by Dianne Woods (address previously provided), LaRue Gates, 1948 W. Devonshire, and Gary Fuchs, 3540 E. Capri Avenue, Mayor Hawker clarified his position with regard to the previous Rio Salado Crossing issue, Proposition 302 and the current Multipurpose Facility. Ms. Spinner also responded to inquiries concerning the TSA revenue guarantee; proposed development surrounding the Multipurpose Facility; noise abatement in the surrounding neighborhoods; security costs for game days, and the TSA's contribution of up to \$1 million for the development of soccer fields.

Vice Mayor Kavanaugh commented that the Special Election is an appropriate use of public monies which will provide Mesa voters with the opportunity to ultimately decide this issue.

Councilmember Thom expressed appreciation to the members of both citizen committees for their efforts and hard work to place the referendum on the ballot. She also questioned how the Multipurpose Facility could be "revenue neutral;" noted that the City's General Fund is being

pledged to support the Bonds for the construction of the facility should Mesa become the host city, and added that it is unclear whether the Arizona Cardinals will continue to support Mesa in the site-selection process if the City holds a Special Election.

In response to concerns expressed by Councilmember Thom, Councilmember Whalen clarified that in a discussion yesterday with a representative of the Cardinals organization, he was informed that the Cardinals would like Mesa to remain in the selection process. He also stated that with regard to the facility being "revenue neutral," if Mesa is selected as the host city, it is anticipated that the Multipurpose Facility will be a major economic generator for the entire community.

Mayor Hawker voiced appreciation to Councilmember Whalen and staff for their efforts and hard work regarding this matter and also to the Hurley family for their generous land donation. He stated that it is imperative that the TSA is made aware, as a result of the City's proposed amendments to the MOU, that Mesa will provide 16,400 parking spaces and that it will continue to work towards securing additional spaces. Mayor Hawker added that he would prefer that the City commit only to those conditions which it can meet and not make promises to the TSA which perhaps cannot be fulfilled or that will incur additional costs. He also stated that he anxiously awaits the results of the September 10, 2002 Special Election.

Councilmember Jones concurred with the comments of Mayor Hawker and Vice Mayor Kavanaugh.

Mayor Hawker advised that because there are no requests by Council to withdraw Resolution No. 7854, the City will proceed with the September 10, 2002 Special Election.

Mayor Hawker expressed appreciation to everyone in the audience for their courteous behavior during today's meeting.

6. Adjournment.

Without objection, the Special Council Meeting adjourned at 10:20 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 Special Council Meeting of the City Council of Mesa, Arizona, held on the 27<sup>th</sup> day of June 2002. 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