

COUNCIL MINUTES

June 29, 1998

The City Council of the City of Mesa met in a Special Council Meeting in the upper level meeting room of the Council Chambers, 57 East 1st Street, on June 29, 1998 at 5:45 p.m.

COUNCIL PRESENT

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

COUNCIL ABSENT

None

POLICE OFFICER
PRESENT

Marc Therre

OFFICERS PRESENT

C.K. Luster
Neal Beets
Barbara Jones

Invocation by Dr. James W. Adams, Cornerstone Bible Fellowship Church.

Pledge of Allegiance by Lily King, Freelance Videographer.

1. Approval of minutes of previous meetings as written.

It was moved by Vice Mayor Giles, seconded by Councilmember Kavanaugh, that the minutes of May 27, 1998 and June 11 and 15, 1998 be approved.

Carried unanimously.

2. Consider all consent agenda items.

At this time, all matters on the consent agenda were considered or were removed at the request of a member of the Council. All items identified in these minutes with an asterisk (*) were approved with one Council action.

It was moved by Vice Mayor Giles, seconded by Councilmember Kavanaugh, that the consent agenda items be approved.

Carried unanimously.

3. Conduct a public hearing concerning the Five-Year Capital Improvement Program for Fiscal Years 1998-2003 (see Item No. 7a for program information).

Mayor Brown announced that this is the time and place for a public hearing regarding the Five-Year Capital Improvement Program for Fiscal Years 1998-2003.

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

4. Conduct a public hearing concerning the proposed budget for Fiscal Year 1998-99 (see Item No. 7b for budget information).

Mayor Brown announced that this is the time and place for a public hearing regarding the proposed budget for Fiscal Year 1998-99.

Bill Brando, 61 South Macdonald, encouraged the City to provide additional information (e.g., newspaper advertising) to the citizens prior to adoption of the budget by Council and suggested that consideration be given to establishing a committee of citizens to provide input concerning the needs of the community.

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

5. Consider the following contracts.

*a. Bus Stop Improvements Phase 4, Installation of Bus Shelter Units.

This project involves the installation of nine (9) bus stops throughout the City.

Recommend award to low bidder, W.L. Emshoff, in the amount of \$163,000.00.

b. Val Vista Drive and Main Street Waterline and Arterial Overlay and Reconstruction, Main Street, Val Vista Drive to Power Road.

This project involves the installation of a waterline and gas line along Main Street between Val Vista Drive and Greenfield Road and the installation of pavement overlay on Main Street from Val Vista Drive to Power Road.

Recommend award to low bidder, J. Banicki Construction, Inc., in the amount of \$2,431,993.50.

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.

It was moved by Vice Mayor Giles, seconded by Councilmember Kavanaugh, that the recommendation of staff be approved.

Upon tabulation of votes, it showed:

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

Mayor Brown declared the motion carried unanimously by those voting.

*c. Deleted.

d. Sossaman and Ray Roads, Phase I, Paving and Storm Drain Project.

This project involves the construction of three (3) bridges, new storm drain facilities, and a new roadway into Williams Airport.

Recommend award to low bidder, Hunter Contracting Company, in the amount of \$3,703,921.60.

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.

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

Upon tabulation of votes, it showed:

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

Mayor Brown declared the motion carried unanimously by those voting.

6. Introduction of the following ordinances and setting July 6, 1998 as the date for the public hearing on these ordinances.

(Note: City Council introduction of ordinances does not necessarily reflect City Council approval of these ordinances. Introduction of ordinances sets in motion the public posting and advertising process for ordinances so that the City Council can hear from concerned citizens at the public hearing.)

*a. Modifying rate schedules for solid waste utility services as recommended by the Finance Committee.

7. Consider the following resolutions.

- a. Adopting the Five-Year Capital Improvement Program for Fiscal Years 1998-2003 - Resolution No. 7225.

Vice Mayor Giles indicated that the legal requirements for publication of the tentative Five-Year Capital Improvement Program for Fiscal Years 1998-2003 and the public hearing have been met.

It was moved by Vice Mayor Giles, seconded by Councilmember Kavanaugh, that Resolution No. 7225 be adopted.

Carried unanimously.

- b. Adopting the budget for fiscal Year 1998-1999 - Resolution No. 7226.

Councilmember Pomeroy advised that the proposed budget for FY1998-99 does not include an increase in water and utility rates.

Councilmember Hawker highlighted portions of the FY1998-99 budget, noting that the budget includes: \$75,000 to continue performance audits of City departments; \$7.3 million in excise tax funding for Main Street improvements as approved by the prior Council (\$10.6 million in excise taxes for Main Street improvements has been removed); a 3 percent cost-of-living adjustment for City employees; an approximate \$2.5 million contingency provision for impact fees to be adopted and implemented by November 1998, which would allow growth to pay the cost attributed to growth; \$25.7 million in contingency funds, of which approximately \$10 million is to be utilized as matching funds for freeway acceleration; \$32.8 million in fund balances; continuation of the Mesa Cemetery perpetual maintenance fund; \$900,000 for pedestrian use of canals; \$3.5 million for improvements at Williams Gateway Airport; and an additional City planner to facilitate a Year 2025 study for the City.

Councilmember Hawker suggested that in the future, Council consider multi-year budgeting cycles (adopt only the current year but review a two- to five-year budget in order to better address larger projects), designate funding to establish effective diversion programs, increase incarceration fees to recoup costs, review impact fees following the storm water master plan update, increase contingency funds to 5 percent of the budget (representing an additional \$10 million), and increase revenue account fund balances to 10 percent of the budget (reflecting a total of approximately \$48 million).

Councilmember Jaffa said that the FY1998-99 budget assumes the approval of impact fees as outlined in a March 4, 1998 memorandum and commented that while representing an increase over current fees, the proposed impact fees are substantially less than those in surrounding communities. Councilmember Jaffa stated that impact fees will be further considered in relation to the FY1999-2000 budget.

Mayor Brown expressed appreciation to the current and the previous Council for their efforts in reviewing the FY1998-99 budget.

Vice Mayor Giles advised that the legal requirements for publication of the tentative budget and the public hearing have been met and that the total budget amount of \$617,697,000 (\$482,653,000 operating funds and \$135,044,000 scheduled bond capital improvements) represents a \$4,999,000 decrease from the tentative budget adopted on June 15, 1998.

It was moved by Vice Mayor Giles, seconded by Councilmember Kavanaugh, that Resolution No. 7226 be adopted.

Carried unanimously.

- *c. Extinguishing a portion of a public utility easement at 1832 East Hilton Circle - Resolution No. 7221.

Easement is no longer needed.

- *d. Vacating a portion of roadway located east of Ellsworth Road and south of Guadalupe Road - Resolution No. 7222.

Roadway is no longer needed.

- e. Vacating a portion of a roadway located in The Commons at Country Green - Resolution No. 7227.

This portion of the roadway is no longer needed.

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.

It was moved by Vice Mayor Giles, seconded by Councilmember Pomeroy, that Resolution No. 7227 be approved.

Upon tabulation of votes, it showed:

AYES - Brown-Davidson-Giles-Hawker-Kavanaugh-Pomeroy

NAYS - None

ABSTAIN - Jaffa

Mayor Brown declared the motion carried unanimously by those voting and Resolution No. 7227 adopted.

- f. Extinguishing easements for public utilities and a one-foot, non-vehicular access easement and a temporary retention easement located in The Commons at Country Green - Resolution No. 7228.

Area is to be redeveloped and the easement is no longer needed.

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.

It was moved by Vice Mayor Giles, seconded by Councilmember Pomeroy, that Resolution No. 7228 be approved.

Upon tabulation of votes, it showed:

AYES - Brown-Davidson-Giles-Hawker-Kavanaugh-Pomeroy

NAYS - None

ABSTAIN - Jaffa

Mayor Brown declared the motion carried unanimously by those voting and Resolution No. 7228 adopted.

*g. Deleted.

*h. Authorizing the City Manager to execute an Intergovernmental Agreement between the State of Arizona through the Department of Economic Security and the City of Mesa - Resolution No. 7223.

*i. Authorizing the City Manager to execute an Intergovernmental Agreement between the City of Mesa and Mesa Unified School District #4 for the funding for the Safe Schools Program - Resolution No. 7224.

j. Supporting Federal legislation amending the Federal Fair Housing Act - Resolution No. 7229.

Vice Mayor Giles read the proposed resolution.

It was moved by Vice Mayor Giles, seconded by Councilmember Kavanaugh, that Resolution No. 7229 be adopted.

Councilmember Kavanaugh spoke in favor of the resolution, noted that the proposal requests cooperation from both federal and state officials in reviewing the impact of group homes on neighborhoods. Councilmember Kavanaugh advised that the National League of Cities has achieved introduction of legislation in Congress to address the situation, which will be pursued during the upcoming session, and that communication with the State Supreme Court and Juvenile Court is encouraged to evaluate the pilot program that has generated neighborhood controversy.

Vice Mayor Giles spoke concerning the efforts of Council to legally protect neighborhoods and commented that the proposed resolution does not abdicate responsibility but is an element of that process.

Councilmember Jaffa expressed the opinion that members of City Councils in surrounding communities share Mesa's concerns regarding this issue. Councilmember Jaffa encouraged resolution on a national level.

Carried unanimously.

8. Consider the following ordinances.

- *a. Amending Section 10-3-18 of the Mesa City Code designating (P) Preferential Lanes; The Public Works Manager is hereby authorized to designate preferential lanes by posting signs restricting the use of traffic lanes to certain classes of vehicles or movements. The restricted use of the lanes may be full or part time. Whenever authorized signs are erected indicating a preferential use, no driver shall operate other classes of vehicles or make other movements within that lane; and amending Section 10-3-24 of the Mesa City Code prohibiting parking on the west side of Mulberry from Broadway Road to a point 400 feet north of Broadway Road, on the east side of Mulberry from Broadway Road to a point 130 feet north of Broadway Road, on the east side of Mulberry from a point 255 feet north of Broadway Road to a point 575 feet north of Broadway Road, on Mahoney Avenue from a point 55 feet west of Vineyard to a point 65 feet east of Vineyard, on the north side of Emerald Avenue from Dobson Road to a point 50 feet west of Dobson Road, on 72nd Street from Broadway Road to a point 230 feet south of Broadway Road, on the west side of 72nd Street from Southern Avenue to Flossmoor Avenue, and on the east side of 72nd Street from Southern Avenue to a point 210 feet north of Southern Avenue as recommended by the Traffic Safety Committee - Ordinance No. 3490.
- *b. Increasing the transaction privilege (sales) tax as authorized at the May 19 General Election - Ordinance No. 3491.

*9. Adopt Notice of Intention to consider revising water rate components, fees, and/or service charges related to deposits, minimum monthly charges, installation, and relocation expenses related to hydrant meters typically used for construction purposes as recommended by the Finance Committee.

10. Consider the following recommendation from the Parks and Recreation Board.

- *a. Extending the existing golf professional concession agreement with James E. Mooney for one additional year, beginning September 1, 1998 and terminating August 31, 1999.

11. Consider the following recommendations from the Transportation Committee.

- *a. On a vote of 2-1, the Committee recommended postponing the improvements to the Dobson and Guadalupe Road intersection pending the completion of the Price/Guadalupe interchange.
- *b. Approving to proceed with the proposed improvements to the Baseline and Dobson Road intersection.

Special Council Meeting

June 29, 1998

Page 8

- *c. Approving staff's preferred alignment for roadway improvements on Broadway Road from Sossaman Road to Hawes Road.

12. Adjournment.

It was moved by Vice Mayor Giles, seconded by Councilmember Kavanaugh, that the Special Council Meeting adjourn at 6:20 p.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 Special Council Meeting of the City Council of Mesa, Arizona, held on the 29th day of June 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