

COUNCIL MINUTES

April 1, 2004

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 April 1, 2004 at 7:32 a.m.

COUNCIL PRESENT

Mayor Keno Hawker
Rex Griswold
Dennis Kavanaugh
Janie Thom
Claudia Walters
Mike Whalen

COUNCIL ABSENT

Kyle Jones

OFFICERS PRESENT

Mike Hutchinson
Debbie Spinner
Barbara Jones

Mayor Hawker excused Councilmember Jones from the meeting.

1. Review items on the agenda for the April 5, 2004 Regular Council meeting.

All of the items on the agenda were reviewed among Council and staff and the following was noted:

Conflicts of interest declared: 8b (Whalen), 8d (Walters, Whalen), 10 (Griswold)

Items removed from the consent agenda: 12o, 12p

Items added to the consent agenda: None

2. Hear a presentation from MesaCAN regarding day labor center research.

Pat Gilbert, Executive Director of Mesa Community Action Network (MesaCAN), provided an historical perspective regarding the many issues addressed by MesaCAN in their efforts to meet the needs of the underprivileged members of the community.

Mr. Gilbert stated that day laborers and a day labor center have been topics of discussion in the community for some time. He referenced the report (a copy is available for review in the City Clerk's Office) provided to the Councilmembers that includes data on day labor centers in other parts of the country as well as a summary of the report recently completed by the City of Phoenix. Mr. Gilbert also provided the following information:

- MesaCAN's proposal for a day labor center is consistent with successful programs implemented by other communities.

- The topic of day labor centers cuts across characteristic “liberal” and “conservative” political views due to the overriding concern for public safety.
- Communities with successful day labor centers partner with law enforcement and serve as an effective example of community policing.
- MesaCAN has not requested any funding from City government for the operation of a day labor center.
- Communities with successful worker centers utilize anti-solicitation ordinances as a fundamental building block.

Mr. Gilbert stated that MesaCAN’s proposal has no relevance to the Federal immigration policy, but the proposal does address the management of an unacceptable situation with social consequences for the community. He expressed the opinion that two alternatives were available to the Council: 1) to approve the establishment of a Day Labor Center, and/or 2) adopt an anti-solicitation ordinance.

Mayor Hawker advised that City Manager Mike Hutchinson and City Attorney Debbie Spinner have declared potential conflicts of interest, and that Deputy City Manager Paul Wenbert and Deputy City Attorney Joe Padilla would represent staff in the discussion of this agenda item.

Discussion ensued relative to the fact that the day labor problem evolved as a result of failed Federal policies; that MesaCAN proposes to establish and organize a day labor center without City funding; that enforcement of an anti-solicitation ordinance would remedy the public safety problems that result from day laborers congregating on street corners; and that some jurisdictions have a city-wide anti-solicitation ordinance while others target specific areas.

Councilmember Walters complimented Mr. Gilbert on the excellent report, and she added that the conclusions were particularly helpful in identifying significant factors. She noted that an anti-solicitation ordinance appears to be a critical element in the development of a day labor center, and she expressed the opinion that the Council and City staff should take the next step to address that component.

Additional discussion ensued relative to the fact that some day laborers appear to have shifted their location from Broadway and Mesa Drive to Broadway and Gilbert Road; that small groups of day laborers have been observed in other Mesa locations; that placement of a worker center outside of the “historic gathering area” would impact the success of the center; that 75 percent of the Phoenix day laborers utilize the work center, and the challenge is to convince the “75 percent” that they can compete with the “25 percent” who are not utilizing the center; that MesaCAN conducted outreach and held meetings with day laborers; that day laborers are more mobile than presumed as a result of their desire to secure employment; that the shift of day laborers to Broadway and Gilbert Road occurred when a group of Mesa Drive area neighbors began videotaping the day laborers; and that MesaCAN’s proposal considers the fact that several schools are located along Broadway Road.

In response to questions from Mayor Hawker, Mr. Gilbert stated that MesaCAN plans to request that the Board of Adjustment review the administrator’s decision and interpretation of the existing ordinance relative to the day labor center. He also clarified that anti-solicitation ordinances are directed at preventing employers from stopping to pick up workers.

Vice Mayor Kavanaugh thanked Mr. Gilbert for the research material provided to the Council, and he noted that his primary concern was the issue of public safety. He stated that the information provided indicates that a successful program requires a “buy-in” by the Police Department and an anti-solicitation ordinance, in addition to other tools to alleviate the burden on neighborhoods and businesses. Vice Mayor Kavanaugh expressed the opinion that the City should partner with the private sector to address the issue in a comprehensive fashion, and that the program results in other communities should continue to be monitored.

Councilmember Thom expressed appreciation to Mr. Gilbert for his efforts to update the Council on this important issue. She noted that MesaCAN was not requesting City funds for this particular program, but she asked Mr. Gilbert to outline MesaCAN’s funding sources.

Mr. Gilbert responded that the organization receives a total of \$2.3 million, which includes \$900,000 in Federal funds to provide assistance to families with utility and rent payments; that City General Revenue funds support three programs: Community Technical Assistance Services, Client Services and the East Valley Men’s Center; and that the balance of their funding is a mix of philanthropic donations and United Way sources.

Councilmember Whalen thanked Mr. Gilbert for the report, and he advised that Councilmembers would continue to lobby for Federal legislation regarding this issue. He reported that the Homeland Security Committee will visit Mesa on May 6th and 7th, and that the Broadway Road corridor would be included on their itinerary. Councilmember Whalen stated that he preferred to hold MesaCAN’s proposal in abeyance while efforts continue on the Federal level.

Mayor Hawker thanked Mr. Gilbert for the presentation.

3. Discuss and consider updating of the existing development impact fees and establishment of two new development impact fees as recommended by the Finance Committee.

Deputy Building Safety Director Jeff Welker addressed the Council and stated that he would present information regarding the annual review of the City’s impact fees as outlined in the staff report and in the study completed by the City’s consultant. He advised that the recommendations presented at the March 15th Finance Committee meeting were unanimously approved to move forward for consideration by the full Council; that staff is requesting Council consideration to adopt a Notice of Intention to initiate a public comment period relative to updating existing development impact fees and establishing two new development impact fees; and that the Notice of Intention is the first step of the specific legal process required by the State relative to the adoption of new impact fees or the amendment of existing impact fees.

Mr. Welker provided an overview of the City’s development impact fees, including the Council’s most recent action in January 2003 that increased the Parks impact fee, but failed to adopt two new impact fees that were proposed for stormwater and general government. He explained that the fees were declined by the Council due to two areas of concern: 1) a possible inequity in the manner in which the fees would apply to businesses, and 2) the possibility that the fees might negatively impact future commercial, industrial and retail development within the City.

The following information regarding development impact fees was provided:

- The calculation of fees has utilized a consistent methodology, the “Incremental Expansion Approach,” since the inception of development impact fees.
- Assets with a certain valuation support the essential services provided to the community.
- Expansion of existing facilities or the addition of new facilities is required in order to maintain service levels as the population increases.
- The Council directs staff to conduct annual reviews to insure that impact fees meet the demand for essential services.
- The Council report is divided into three basic areas: a discussion and review of the study of the existing impact fee schedule; a reintroduction of the two potential impact fees for storm water drainage and general government facilities; and some proposed amendments to the City Code to clarify some existing ambiguity in the application of the Code.

Mr. Welker referred to tables on page three of the Council report to illustrate the impact of potential fee changes on developments:

- Single Family Homes – The fee would increase by 39 percent from \$3,804 to \$5,289, which includes the proposed fees for stormwater and general government.
- Class “A” Office Buildings – Using the example of a building currently under construction, the fees were \$26,128.36. Under the proposal, the fees would have increased by 15 percent to a total of \$30,629.02.
- Retail Development – A Staples Office Supply currently under construction paid fees totaling \$30,000. Under the proposal, the fees for the same development would increase by five percent.

Additional information provided by staff included the fact that increased asset values have significantly impacted the fees for single-family homes; that the fees for cultural facilities increased significantly as a result of including the Mesa Southwest Museum’s collection valued at \$14.2 million; and that calculations in prior years included books and periodicals in the library asset values, and therefore the same methodology was employed for the museum’s collection.

Mr. Welker also advised that staff has addressed Council concerns regarding the inequity of the general government fee proposed in 2003 by suggesting a single “non-residential” classification for all commercial, industrial and retail development based on square footage; that the proposed stormwater fee is similar to that proposed in 2003; that research conducted to address Council concerns that development in Mesa would be impacted negatively as a result of increased development fees revealed that the five Valley communities with the greatest intensity of development have the highest impact fees and permit fees; that high development impact fees do not deter development; and that the revenues generated by the fees result in developments “paying their way” for infrastructure, facilities and levels of service.

Information was provided on the timeframe and activities required for public comment and adoption of any development impact fee amendments or new fees:

- Consider adoption of a Notice of Intention on April 5, 2004.
- Adoption of the Notice of Intention would initiate the 60-day public review period.
- June 7, 2004 would be established as the date for a public hearing and Council consideration regarding the introduction of an ordinance.
- Council consideration relative to adoption of the ordinance would follow on June 21, 2004.

- If the ordinance were adopted, adjustments to fees or new fees would become effective in 90 days.

Mr. Welker reported that ordinance amendments are proposed to clarify three examples of ambiguous or problematic language identified by the City Attorney's Office:

- Exempting water impact fees for landscape water meters in new residential common areas.
- Defining the "rounding" method to determine the square footage when calculating non-residential impact fees.
- Eliminating the ambiguity that exists in the assignment of non-residential "land use types."

Mr. Welker advised that the Financial Services Department provided assistance in preparing the following revenue information:

- Additional revenue would be generated totaling \$5 million annually if the new fees and adjusted fees were implemented as proposed, \$2 million from the new impact fees and \$3 million from adjustments to the existing impact fees.
- The additional revenue would provide the City an opportunity to advance the bonding timetable of critical Capital Improvement Projects (CIP) relative to Mesa's infrastructure and development. A list of projects is included in the report.

Discussion ensued relative to the fact that the City of Phoenix has established zones for stormwater projects; that zones identified in Mesa where stormwater is an issue would have significantly higher impact fees, which might adversely affect development; and that presently the City has the flexibility to direct the revenue citywide.

In response to Councilmember Walters' question regarding a two-tiered approach, Mr. Welker advised that advice from legal staff and the City's consultant indicated that the City should decide on a citywide or a regional approach. He expressed the opinion that a two-tiered approach would be problematic and would likely result in legal challenges.

Addressing Councilmember Walters comment that "no growth" zones in the City of Phoenix provided an incentive for development of aging and deteriorating areas, Mr. Welker noted that the consequence of creating "exemption zones" would be that the City would be prohibited from utilizing revenue generated by impact fees in the "exemption zones." He suggested that a review of that strategy by the Redevelopment staff might be advisable.

Councilmember Walters encouraged City staff to study "no growth" zones, and she stated the opinion that incentives in certain areas would encourage redevelopment. She added that areas in West Mesa have fire stations and water and wastewater lines, and that General Fund dollars could be utilized for any necessary upgrades; that moving the process forward provides an opportunity for the Chamber of Commerce and the public to provide input on the proposed fees; and that the adopted fees often differ from the original proposal.

Councilmember Griswold stated the opinion that new growth should pay for itself, and that he supports simplifying the square footage methodology. He noted that two approaches exist relative to funding new growth: 1) new growth pays for itself, and 2) new growth "buys into" existing property. He stated the opinion that staff's proposal was a "buy-in" philosophy.

Mr. Welker explained that staff's approach "buys in" to an existing facility that requires expansion in order to meet the demands of new growth, and therefore the approach is a combination of "buy-in" and "incremental expansion."

In response to Councilmember Thom's question relative to the fact that solid waste impact fees included in the body of the report were not listed in the Table of Contents, Mr. Welker clarified that the amount indicated for solid waste is a tax rather than an impact fee, and that the incorrect information listed in the report would be corrected. He added that some Valley cities do charge a solid waste impact fee, but the City of Mesa does not. Mr. Welker also confirmed that information on proposed increases to development fees have not yet been provided by other Valley cities including the City of Phoenix.

In response to a series of questions from Mayor Hawker regarding the method utilized to determine the value of facilities, Mr. Welker advised that staff estimates the replacement cost of all assets to determine the value of a facility; that staff endeavors to establish fees that enable the construction of new facilities that are comparable to existing facilities; that the concept is that at "build out" the facilities would mirror what is available in the entire geographic area; that the construction cost for the Arts Center would be utilized for a fee study in the year that the project is completed; and that one year after project completion, replacement costs would be utilized for the fee study.

It was moved by Vice Mayor Kavanaugh, seconded by Councilmember Walters, that the item be moved forward for Council consideration of filing the Notice of Intention to initiate the public comment process.

Mr. Welker concurred with the comments of Councilmember Griswold that adoption of the Notice of Intention does not endorse or approve any recommendations with regard to development impact fees, and that the Council could eventually refuse to adopt new fees or to increase the existing fees at a lesser amount than proposed.

Mayor Hawker noted, and Mr. Welker confirmed, that the Council was precluded from raising fees above staff's proposed levels unless another study was performed to justify the increase.

In response to Councilmember Griswold's concern that costs for police stations, fire stations and roads for new areas are underestimated, Mr. Welker advised that an analysis indicates that increased residential fees will offset reduced fees for non-residential development.

Upon tabulation of votes, it showed:

AYES - Hawker-Walters-Griswold-Kavanaugh-Whalen
NAYS - Thom
ABSENT - Jones

Mayor Hawker declared the motion carried by majority vote of those present.

Mayor Hawker thanked staff for the presentation.

4. Hear an update and consider various budget issues.

a. Status of FY 03/04 budget.

Budget Director Jamie Warner referred to Attachment A of the Council report and noted that the present report for 2003/2004 indicates significant improvement since that last presentation, but the final audit for 2002/2003 showed a loss of \$2.2 million in ending fund balance versus the earlier prediction of a loss of \$1.6 million.

Mr. Warner outlined some of changes to the budget for the current year:

- An estimated \$4.4 million savings in wages and benefits from the amount budgeted as a result of 300 unfilled positions, in addition to positions that will be vacated during the year and remain unfilled.
- An unbudgeted final settlement of approximately \$500,000 was paid to Enron.
- 800 Megahertz radio lease payments were delayed until the next fiscal year.
- The 91st Avenue costs are expected to be \$1.5 million greater than the budgeted amount, but are offset by miscellaneous department reductions totaling \$800,000.
- Gas and electric commodities are expected to be higher than the amount budgeted.
- A savings in water purchases of approximately \$2.3 million.
- Savings of approximately \$2.7 million from the refinancing of debt service and delaying the sale of bonds.
- Adjustments to bond indebtedness will save approximately \$3.4 million.
- Budgeted expenditures will be reduced by approximately \$6.5 million.
- Sales tax revenues have increased and anticipated receipts are approximately \$3 million over the budgeted amount, or a 4.3% growth over the previous year.
- Building permit revenues are up 38% over the previous year to date.
- State sales tax revenues are anticipated to be \$1.2 million ahead of budget.
- The City received a one-time payment of \$5.2 million for an electric contract.
- Increased gas revenues as a result of the "pass through" on commodities.
- Water and wastewater revenues for 2003/2004 are expected to be \$6.7 less than anticipated as a result of reduced consumption.
- Some land acquisition revenues are being delayed until the next fiscal year.

Mr. Warner stated that the first budget update estimated that the ending fund balance would be \$6.2 million below budget. He reported that as a result of the improved revenue stream, the ending fund balance is now projected at \$6.4 million above budget, resulting in the ending fund balance for 2003/2004 of approximately \$40 million.

Mr. Warner advised that the following issues relative to the 2004/2005 budget were being addressed by staff:

- An increase in the City's electric commodity purchases of approximately \$2.8 million.
- Gas commodity purchases are projected to be \$3.8 million higher than the original estimate.
- The 91st Avenue budget will increase by \$1.1 million.

In response to a question from Mayor Hawker, Mr. Warner advised that the \$1.1 million would be in addition to the \$1.5 million added in the current fiscal year.

Discussion ensued relative to the fact that the forecasted \$3.8 million increase in gas commodity purchases would be a "pass through;" that the forecasted \$2.8 million increase in electric commodity purchases is not a "pass through," but staff is investigating the possibility of implementing a "pass through;" that the Salt River Project (SRP) and Arizona Public Service (APS) have the authority to implement a type of "pass through;" that the City will lose approximately \$6.7 million in water/wastewater for the current year and projects a loss of \$9.6 million for next year; that a portion of the water/wastewater loss is attributable to the 91st Avenue component and reduced residential consumption of water, which results in less wastewater; and that the Motorola loss was factored in two years ago.

In response to Councilmember Whalen's comment, Mr. Warner confirmed that this was the second year in a row that the utility losses have impacted the General Fund.

Mr. Warner referred to the "Fiscal Year 2004/05 Significant Issues" list in the Council report and noted that Mesa's share of the Val Vista water treatment expense is expected to increase by \$1.3 million. He also advised that other budget considerations include adjustments to employee benefit costs, a cost of living adjustment and increases to the trust funds for health insurance and Worker's Compensation.

Councilmember Walters noted that the Public Liability and Worker's Compensation funds greatly impacted the State of California. She asked what were the underlying factors that accounted for the \$3 million increase in one year.

Mr. Warner advised that \$2 million is designated for the self-insured liability fund and \$1 million to the Workers Compensation fund. He explained that the City is attempting to eliminate some of the ongoing long-term obligations by negotiating settlements.

In response to a question from Councilmember Walters, City Manager Mike Hutchinson advised that an internal staff briefing was scheduled later today regarding the number of claims and the number of claims as a percentage of the workforce. He stated that the Council will be provided a report on the information.

Discussion ensued relative to actions required by the City to implement an electric "pass through;" that staff believes that the basic legal framework is in place to implement the process; and that staff is reviewing the functionality of a "pass through" as it relates to customer information systems, the frequency of adjustments, the source of the information and the technical aspects of that option.

In response to a question from Mayor Hawker, Mr. Hutchinson explained that historically the City attempted to establish electric rates at or slightly below the rates of SRP. He stated that the City should consider passing through the costs for electricity, and that staff will provide additional information as utility rates are presented to the Council.

Mr. Hutchinson responded to Councilmember Walters' concern relative to the rising gasoline prices by noting that the City was fortunate that 65 percent of the fleet is fueled by compressed natural gas (CNG).

Councilmember Walters also expressed concern regarding the potential for West Nile Virus in the community as a result of mosquitoes proliferating in areas with standing water. She noted that \$15,000 was included in the current budget, and she stated the opinion that the issue should be addressed in the upcoming budget as well.

In response to Councilmember Whalen's questions relative to future staffing levels, Mr. Hutchinson stated that the only City departments likely to increase staffing levels would be those related to Quality of Life, primarily the Police Department. He added that certain areas of the City have not been able to maintain the proper service levels, and that the possibility of personnel increases in those areas would be addressed in budget discussions with the Council.

Mr. Hutchinson responded to Councilmember Whalen's question regarding possible retirement incentives for employees with 80 points by stating that the topic has not been reviewed recently, but staff could provide information to the Council for discussion.

b. Proposed FY 04/05 budget calendar.

Mr. Raines stated that the budget calendar was listed on Attachment B of the Council report. He noted that the second meeting in June is normally scheduled at the end of the month, but staff is considering changing the date from June 28th to June 21, 2004, and Council will be advised when the date is confirmed.

c. City Council input regarding FY 04/05 budget priorities.

Mr. Raines encouraged the Councilmembers to provide their input to enable staff to address any specific issues and concerns.

Mayor Hawker thanked staff for the update.

5. Discuss and consider the procedure for accepting and processing multiple ordinances to the City Council for Planning and Zoning Board cases.

Planning Director John Wesley stated that as a result of the Council's recent consideration of multiple ordinances, concern was expressed that this practice was not documented by a written procedure. He noted that changes to an ordinance prior to introduction could delay the process for up to one month depending on whether the new ordinance requires the approval of the Planning and Zoning (P&Z) Board. Mr. Wesley advised that the intent of the proposed procedure (see Attachment 1) is to be business friendly by preventing long delays in the approval process, but the proposal also limits the opportunities to present multiple ordinances. He outlined the circumstances under which the Planning Director would have the authority to introduce multiple ordinances and the types of notification

Discussion ensued relative to the fact that soliciting opinions from the P&Z Board could conflict with the provisions of the Open Meeting Law; that staff's only intent was to provide notice to the

P&Z Board; and that communication via email between staff and the P&Z Board could also constitute a violation of the Open Meeting Law.

Councilmember Walters stated that she supported item two of the procedure, but that adoption of item one could result in developers lobbying staff to create an ordinance that would not be acceptable to the P&Z Board. She also added that P&Z could introduce two or three options that were acceptable to the Board for a Council decision, and that would eliminate the Board's obligation to make a best and final decision.

Discussion ensued relative to the fact that multiple ordinances have been utilized only twice in the past two years; and that multiple ordinances resulting from actions outlined in item two would not represent a conflict with P&Z decisions due to the fact that the ordinances would be based on new information that was unavailable at the time of the P&Z decision.

Vice Mayor Kavanaugh expressed opposition to item one due to the fact that the procedure encourages subjective decision making by staff, and that the potential exists for applicants and/or neighborhoods to lobby staff. He stated that item two addresses technical issues, and he recalled several instances during his service on the Council when stipulations were no longer necessary or when other actions occurred with respect to a stipulation that did not address the merits of the case. He expressed concern that item one has the potential to diminish the role of the Planning and Zoning Board and to mislead the public.

Mr. Wesley concurred with Vice Mayor Kavanaugh that adoption of item one would place additional pressure on staff.

Councilmember Thom stated that she was in support of the proposed procedure and noted that the ability to consider two ordinances provides the Council with flexibility. She added that the process would enable the Council to receive additional input from citizens.

Councilmember Griswold noted the inherent dangers of flexibility, but he expressed the opinion that the "pros" outweighed the "cons." He stated that he did not want to reject an applicant's project because of a minor issue that could be easily rectified. Councilmember Griswold concurred with Vice Mayor Kavanaugh that item one could pose a problem, but said he was willing to support item one and then review the procedure in a year or two.

Councilmember Walters expressed concern that the Council could become the de facto Planning and Zoning Board. She noted that presentation of multiple ordinances once a year would not pose a problem, and that the policy could be changed quickly at the direction of Council.

Councilmember Whalen stated that he was in favor of empowering City staff, and that staff understands the intent of the Planning and Zoning Board in considering these ordinances. He expressed support for items one and two in order to streamline the process.

It was moved by Councilmember Whalen, seconded by Councilmember Griswold, that the procedure for accepting and processing multiple ordinances to the City Council for Planning and Zoning Board cases as listed in the Council report be adopted.

In response to a question from Councilmember Whalen as to whether these same procedures could be utilized for Design Review, Mayor Hawker advised that Design Review was a Charter provision but suggested that staff review that aspect and report back to the Council.

Councilmember Walters commented on the possibility that an applicant whose case was denied by the Planning and Zoning Board could seek the support of individual Councilmembers and then, in turn, advise the Planning Director that a certain number of the Councilmembers were in support of the issue. She advised that the Planning Director's request for confirmation of that information could be a violation of the Open Meeting Law.

Ms. Spinner confirmed that a potential problem would exist. She advised that the Planning Director could not legally seek the opinion of individual Councilmembers, but that three of the Councilmembers could request that the Mayor or the City Manager place the item on the agenda.

Mr. Wesley clarified that all three conditions listed in item one would be required in order to introduce multiple ordinances.

Vice Mayor Kavanaugh stated that the Charter and the Ethics Code address the potential for Council interference with the work of staff. He expressed the opinion that an unintended consequence of item one is that the opportunity for interference is created, in addition to potential violations of the Open Meeting Law.

Upon tabulation of votes, it showed:

AYES - Griswold-Thom-Whalen
NAYS - Hawker-Kavanaugh-Walters
ABSENT- Jones

Mayor Hawker declared the motion failed.

It was moved by Councilmember Walters, seconded by Vice Mayor Kavanaugh, that item two of the procedure for accepting and processing multiple ordinances to the City Council for Planning and Zoning Board cases as listed in the Council report be adopted.

Upon tabulation of votes, it showed:

AYES - Hawker-Walters-Griswold-Kavanaugh-Thom
NAYS - Whalen
ABSENT - Jones

Mayor Hawker declared the motion carried by majority vote of those present.

Mayor Hawker thanked staff for the presentation.

6. Acknowledge receipt of minutes of boards and committees.

- a. Economic Development Advisory Board meeting held March 2, 2004.
- b. Finance Committee meeting held March 15, 2004.

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

Carried unanimously.

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

Vice Mayor Kavanaugh: Speaker at the 35th Citizen's Police Academy graduation.
Attended the annual meeting of the 100 Club of Arizona.

Councilmember Griswold: Represented the City of Mesa during Presidential visit.
Attended Lexus dealership grand opening event.
Attended a meeting regarding the Mesa trail system.

Councilmember Walters: Attended several neighborhood meetings.

Councilmember Walters acknowledged the efforts of Representative Gary Pierce and the Arizona Department of Transportation (ADOT) regarding the trail system. She also recognized Vice Mayor Kavanaugh for his years of service to the Dobson Ranch neighborhood.

Councilmember Whalen: Toured AT&T facility in Utery Mountains.
Toured the Mesa Arts Center presently under construction.

Councilmember Thom: Attended the Superstition Springs Lexus dealership grand opening.
Attended the Superstition Springs Safeway grand opening.

8. Scheduling of meetings and general information.

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

Monday, April 5, 2004, 4:00 p.m., Special to Executive

Monday, April 5, 2004, 4:30 p.m., Study Session

Monday, April 5, 2004, 5:45 p.m. – Regular Council Meeting

Thursday, April 8, 2004, 7:30 a.m. – Study Session

Tuesday, April 13, 2004, 6:30 p.m. – Joint Meeting with Apache Junction Council

Wednesday, April 14, 2004, 4:00 p.m. – Ad Hoc Committee to Study Police Oversight

Wednesday, April 14, 2004, 6:30 p.m. – Mesa 2025: Financing the Future

Thursday, April 15, 2004, 7:30 a.m. – Study Session

Monday, April 19, 2004, 3:00 p.m. – Finance Committee

Monday, April 19, 2004, TBA – Study Session

Monday, April 19, 2004, 5:45 p.m. – Regular Council Meeting

9. Prescheduled public opinion appearances.

There were no prescheduled public opinion appearances.

10. Adjournment.

Without objection, the Study Session adjourned at 10:08 a.m.

KENO HAWKER, 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 1st day of April 2004. I further certify that the meeting was duly called and held and that a quorum was present.

BARBARA JONES, CITY CLERK

baa

Attachment

PLANNING DIVISION PROCEDURES

SUBJECT: Introduction of multiple ordinances
for P&Z cases

Purpose of Procedure

The Mesa City Charter requires ordinances to be introduced to the City Council at least six days prior to their consideration at a regular City Council meeting. If a change to the ordinance is made following introduction, it must be re-introduced at a future meeting before action can then be taken at a subsequent meeting. This can add a month, or more, to the approval process. In order to avoid this situation and keep the approval process from extending unnecessarily, the following procedures can be used to allow the introduction of multiple ordinances for consideration.

Planning Director Authority

The decision to have additional zoning ordinances introduced to the City Council, other than the Planning and Zoning (P & Z) Board's recommendation, can be made by the Planning Director only in the following situations:

1. When, through the course of review, discussion, and P & Z Board hearing staff:
 - believes there will continue to be public comment and demand for changes to the recommendation made by the P & Z Board;
 - that the requested changes are something staff can articulate into an ordinance stipulation; and,
 - staff believes there is a likelihood the City Council may wish to consider the alternate stipulations.
2. If, following action by the P & Z Board, the applicant can demonstrate that either:
 - they have responded to a stipulation that no longer makes it necessary; or,
 - incorrect information was used which created a stipulation that is not really necessary and staff can verify the stipulation is not necessary.

Stipulations placed in an ordinance that are the direct result of citizen input cannot be proposed for removal through the introduction of an additional ordinance.

Notification of Interested Parties

P&Z Board- In cases where additional ordinances are to be introduced, staff will notify the P & Z Board of the additional ordinance(s) and explain the circumstance and the nature of the additional ordinance(s). This information will

be provided to the P & Z Board at their regular study session. If the situation should not allow for presentation in this manner, the P & Z Board will be mailed a written explanation. The response of the P & Z Board will be documented either through the minutes of the meeting or through a written statement from the P & Z Chair.

Applicant - When staff initiates the introduction of an additional ordinance(s), the applicants in the case will be notified and provided with a copy of the additional ordinance(s) prior to their introduction.

Public - Notice of the introduction of more than the P & Z Board recommended ordinance, along with the additional ordinance(s) and the date and time of the City Council meeting will be mailed to any citizens who participated in the P & Z Board meeting as well as any individuals, HOA's, or neighborhood groups included in the applicant's citizen participation plan or report.