

# COUNCIL MINUTES

May 17, 1996

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 May 17, 1996 at 7:32 A.M.

## COUNCIL PRESENT

Mayor Willie Wong  
Jerry Boyd  
Pat Gilbert  
T. Farrell Jensen  
Dale Johnson  
Jim Stapley

## COUNCIL ABSENT

Joan Payne

## COUNCIL-ELECT PRESENT

Mayor-Elect Wayne Brown  
John Giles  
Dennis Kavanaugh

## STAFF PRESENT

C.K. Luster  
Lin Adams  
Vince Anderson  
Wayne Balmer  
Kathy Barrett  
Cindy Barris  
Neal Beets  
Dan Brewer  
Tanya Collins  
Fred Conway  
Greg Fowler  
Gerry Gerber  
Laurie Goggin  
Joe Holmwood  
Tyrone Howard  
Mike Hutchinson  
Lars Jarvie  
Barbara Jones  
Sharon Joyce  
Harry Kent  
Karen Kille  
Wayne Korinek  
Jerry Kos  
Ron Krosting  
Karen Kurtz  
Larry Lines  
Rich Lorig  
Jeff Martin  
Tracy Mead  
Frank Mizner  
Garrett Newland  
Joe Noce

## STAFF PRESENT (CONT.)

Eric Norenberg  
Ruth Anne Norris  
John Oliver  
Ellen Pence  
Bryan Raines  
Andrea Rasizer  
Jackie Redpath  
Terry Roe  
Kathleen Savagian  
Sharon Seekins  
John Smoyer  
Kevin Snow  
Jaime Warner  
Roger Weber  
Bob White  
Mindy White  
Ralph Wisz  
Jim Wright  
Debbie Yukolis  
Others

## OTHERS PRESENT

Bill Brando  
Ed Burns  
Clifford Harris  
Phil Kellis  
Dan Nowicki  
Ralph Pew  
Trish Shaffstall  
Tom Verploegen  
Linda Weinberg  
Others

Mayor Wong excused Councilmember Payne from the meeting.

1. Consider City participation in the proposed extension of 56th Street north of McDowell Road to assist in the business expansion by Semflex Inc.

Community Development Manager Wayne Balmer referred to maps showing the location of two businesses, Continental Industries and Semflex, Inc., in northeast Mesa and outlined a proposal to extend 56th Street north of McDowell Road to assist in business expansion. Mr. Balmer indicated that a joint public/private partnership is proposed, in which Continental and Semflex would dedicate right-of-way and the City would construct the street with a temporary cul-de-sac up to a cost of \$188,000. Mr. Balmer stated that the two firms would be responsible for any charges over \$188,000. Mr. Balmer added that Semflex, Inc. may relocate their new facility to Oregon if the proposed street extension does not occur.

In response to questions from Councilmember Gilbert, Economic Development Specialist Garrett Newland commented that the City has been working with Continental and Semflex, Inc. for approximately one year. Mr. Newland spoke concerning anticipated future growth of the two businesses and employment opportunities.

Brief discussion ensued concerning typical street construction, building aesthetics, and the City's design review process.

It was moved by Councilmember Gilbert, seconded by Councilmember Stapley, that the proposed extension of 56th Street north of McDowell Road be approved.

Mayor Wong declared the motion carried unanimously by those present.

1.1 Discuss proposed agreements associated with the operation of HoHoKam Stadium.

Assistant City Manager Mike Hutchinson advised that Community Services Manager Wayne Korinek has been working on two agreements associated with the operation of Hohokam Stadium. Mr. Hutchinson anticipated that the proposals will be scheduled for action at the May 20, 1996 Regular Council Meeting should Council agree.

Mr. Korinek said that the City has in the past contracted with the Mesa HoHoKams, who in turn contracted separately with the Chicago Cubs and concessionaires. Mr. Korinek indicated that as a result of the City's recent agreement with the Cubs, Mesa will now contract directly with the Cubs, concessionaires, and the HoHoKams.

a. Agreement with City Concession Company of Arizona, Inc.

Mr. Korinek outlined terms and conditions of a proposed 10-year agreement with City Concession Company of Arizona, Inc. for food, beverage, and novelty sales, stating that the concessionaire will be responsible for the cost to build-out all concession stands for Spring Training and non-Spring Training activities, and to equip the same. Mr. Korinek noted similar contracts in the Valley and added that an on-site facility manager will be provided.

Council and staff spoke concerning food pricing, language within the contract pertaining to the provisions of Proposition 200, and potential brand name retailing service.

It was moved by Vice Mayor Jensen, seconded by Councilmember Stapley, that the agreement with City Concession Company of Arizona, Inc. be placed on the agenda of the May 20, 1996 Regular Council Meeting for Council consideration.

Mayor Wong declared the motion carried unanimously by those present.

b. Agreement with the Mesa HoHoKams.

Mr. Korinek outlined a proposed 20-year agreement (to be reviewed every 2 years) with the Mesa HoHoKams (Mesa Sports Association) to provide support services, including ticket sales, parking, ushering, etc., during the Spring Training season at Hohokam Stadium. Mr. Korinek highlighted efforts of the HoHoKams over the past 25 years, advising that traditionally, funds raised by the HoHoKams are distributed in Mesa to improve the quality of life. Mr. Korinek commented that the proposed agreement would correspond to the 20-year agreement the City recently entered into with the Chicago Cubs. Mr. Korinek noted funds provided by the HoHoKams up-front towards construction of the new stadium.

Brief discussion ensued concerning the HoHoKam membership and previous agreements with the organization.

It was moved by Vice Mayor Jensen, seconded by Councilmember Stapley, that the agreement with the Mesa HoHoKams (Mesa Sports Association) be placed on the agenda of the May 20, 1996 Regular Council Meeting for Council consideration.

Mayor Wong declared the motion carried unanimously by those present.

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

There were no reports on meetings and/or conferences attended.

3. Scheduling of meetings and general information.

City Manager Charles Luster advised that the meeting schedule is as follows:

Monday, May 20, 1996, 5:30 p.m. - Regular Council Meeting

Wednesday, May 22, 1996, 7:30 a.m. - Study Session (in lieu of May 24, 1996)

Mr. Luster advised that a farewell reception for Mayor Wong and Councilmembers Boyd and Johnson will be held at Centennial Hall from 6-8 p.m. on Wednesday, May 22.

4. Review items on the agenda for the May 20, 1996 Regular Council Meeting.

All of the agenda items were reviewed among the Council and staff, with no formal action taken. There was particular discussion with regard to the following agenda items:

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

3. Acknowledge receipt of minutes and meetings of various boards and committees and consider action where appropriate.

Mr. Luster said that recommendations from the Transportation and Joint Utility/Finance Committee meetings will be added to the agenda.

5. Consider the following contracts:

- \*a. Computer Aided Dispatch system for the Police and Fire Public Safety Departments as requested by the Information Services Division.

Mr. Luster noted that a protest has been received and this item will be removed from the consent agenda.

- \*d. One solid phase extraction instrument to be used in the toxicology section of the crime lab for the analysis of drugs in urine and blood as requested by the Police Department.

Councilmember Gilbert requested a future update pertaining to the status of the crime lab.

6. Consider the following ordinances:

- \*e. Relating to bathhouses, massage parlors, and therapy centers; repealing Chapter 12 of Title 5 of the Mesa City Code, adopting a new Chapter 12 of Title 5 pertaining to massage therapists, massage establishments, and off-premises massage; providing for applicability and an effective date; and establishing penalties for violations.

Mr. Luster advised that the proposed ordinance reflects a requirement of 500 hours of classroom training.

Following brief discussion, Mayor Wong stated that the item will remain as part of the consent agenda.

7. Consider the following resolutions:

- \*d. Declaring as a public record that certain document filed with the City Clerk entitled "Historic Homes of Mesa: An Architectural and Preservation Guide."

Community Development Manager Wayne Balmer summarized the contents and purpose of the Guide.

8. Consider the following cases from the Downtown Development Committee and adoption of the corresponding ordinances:

- b. BP95-1TC - Portion of the 100-200 blocks of North Robson (east side); a portion of the 100-200 blocks of North Macdonald (both sides); a portion of the 100 block of North Center (west side); a portion of the 0-100 blocks of West 2nd Street (both sides); and a portion of the 100 block of West 1st Street (north side) from TCR-2,

TCR-3, TCB-1 and TCC to TCR-2HP, TCR-3HP, TCB-1HP, and TCC HP (approximately 13.5 acres). (A 3/4 vote is required to approve the applicant's request.)

In response to a question from Councilmember Gilbert concerning the requirement of a 3/4 vote, Mr. Balmer referred to letters of protest from individuals who no longer support the historical designation.

(Discussion ensued concerning items on the agenda requiring a 3/4 vote. Council requested that applicants be advised that Vice Mayor Jensen will not be present at the May 20, 1996 Regular Council Meeting.)

- c. HP96-1TC - Portion of the 100 block of North Pasadena Street (both sides); a portion of the 100 block of North Hibbert Street (both sides); a portion of the 100 block of North Wilbur Street (both sides); and a portion of the 100-200 blocks of East 1st Street (north side) from TCR-2 to TCR-2HP (approximately 10.05 acres).

Mr. Balmer stated that a letter of protest has been received from Mr. Tibshraeny and that the Mesa Town Center Corporation opposes the proposed designation at this time. Mr. Balmer advised that this case does not require a 3/4 vote.

- 10. Consider the following cases from the Planning and Zoning Board and possible adoption of the corresponding ordinances:

- b. Z96-20 - The 2000 to 2700 blocks of North Ellsworth Road (east to Usery Mountain Recreation Area). Rezone from R1-35-DMP to R1-15-PAD, R1-35, and PF (330+/- acres). This case involves the development of the Boulder Mountain Highlands residential subdivision. Boulder Mountain Highlands L.P., owner; Pulte Home Corporation, applicant.

Mr. Balmer said that none of the protests received are from individuals within close proximity to necessitate a 3/4 vote.

- d. Z96-22 - 2424 East Southern Avenue. Rezone from R1-43 to O-S (2+/- acres). This case involves the modification of a single residence to a medical-dental office. Franklin Little D.D.S., owner/applicant. (A 3/4 vote is required to approve the applicant's request.)

Mr. Balmer provided background information regarding the case and concerns expressed by neighbors relative to traffic and changes in neighborhood character. Mr. Balmer stated that Dr. Little has been notified that only six councilmembers will be present at the May 20th Regular Council Meeting but that Dr. Little wishes to proceed.

- i. Z96-27 - The northwest corner of Hermosa Vista Drive and 40th Street. Rezone from R1-35 to R1-35-PAD (20+/- acres). This case involves a 20-lot single-residence subdivision. E.W. Gardner, owner/applicant. (A 3/4 vote is required to approve the applicant's request.)

Mr. Balmer presented information pertaining to the case, stating that Mr. Gardner has refiled the same plat as previously submitted. Mr. Balmer noted opposing views between Mr. Gardner and Dr. Armstrong pertaining to access and the dedication of 40th Street and said that a formal agreement between the two has not yet been reached. Mr. Balmer advised that the Planning and Zoning Board has recommended approval of the case (vote 5-2) without the requirement for dedication of the west side of 40th Street but noted that staff supports such a requirement.

Mr. Balmer responded to questions from Council pertaining to costs, access, right-of-way, and conditions for approval. Council expressed concern relative to the City's perceived role as mediator.

- j. Z96-29 - Part of the 1100 block of West Grove Avenue (north side). Site Plan Review (2+/- acres). This case involves a seven-story hotel, Savino Investing Inc., owner; BSW International, applicant.

Mr. Balmer advised that the proposal involves the development of a La Quinta hotel and that the Planning and Zoning Board has recommended denial of the case (vote 4-3). Mr. Balmer indicated that Robert Brinton, Executive Director of the Mesa Convention and Visitors Bureau, has expressed concern relative to the appropriateness of the proposed hotel at that location and said that staff has indicated that the site is inadequate in size and may have an adverse impact on future development in that vicinity. Mr. Balmer stated that it is the opinion of the applicant that the project would be compatible with surrounding uses.

Vice Mayor Jensen commented that the plan is not appropriate for the location.

Councilmember Gilbert noted several positive features of the project but expressed concern that the proposed site may not be suitable for such development.

Mayor Wong stated that information will be forwarded in reference to employment opportunities to be generated by the project.

Councilmember Boyd spoke in favor of the proposed facility but questioned the appropriateness of the selected site.

Councilmember Stapley expressed the opinion that the project may have a detrimental effect on surrounding uses.

5. Prescheduled public opinion appearances. (Maximum of three speakers for five minutes per speaker.)

- a. Hear from Bill Brando regarding Proposition 200.

Bill Brando, 61 South Macdonald, stated the opinion that Proposition 200 has had, and will continue to have, a detrimental impact on businesses in Mesa. Mr. Brando questioned the constitutionality of the measure and stated that he has filed a lawsuit in opposition to the proposition.

6. Items from citizens present. (Maximum of three speakers for five minutes per speaker.)

Dr. Clifford Harris, 512 Mesa Vista, a proponent of Proposition 200, expressed the opinion that modifications to the measure are premature at this time and spoke in favor of a 6- to 12-month time frame for evaluation. Dr. Harris referred to a recent health report and noted the detrimental effects of primary and secondhand smoke.

Vice Mayor Jensen said that he does not favor revising Proposition 200 at this time. Mayor Wong stated support for a 6- to 12-month evaluation.

7. Discuss and consider community aid funding issues for the Fiscal Year 1996-97 budget plan.

a. Arts and cultural grant funding requests.

Mr. Luster related proposed funding levels for various arts and cultural grant requests as proposed by the Museum and Cultural Advisory Board.

It was moved by Councilmember Stapley, seconded by Councilmember Johnson, to approve the community aid grant requests as recommended by the Museum and Cultural Advisory Board, with the exception that level funding be provided for Xicanindio Artes, Inc. and that funding be eliminated for the New World Theatre and Mesa Caledonian Pipe Band.

Councilmember Boyd spoke in opposition to the motion.

Vice Mayor Jensen noted the importance of arts to the community and stated that he will not support the motion.

Mayor Wong expressed agreement with Vice Mayor Jensen and stressed the importance of promoting the arts.

Councilmember Stapley indicated a willingness to consider approving \$20,000 over level funding to Xicanindio Artes, Inc. for the upcoming year.

Following brief discussion, Councilmember Gilbert called for the question.

Upon tabulation of votes, it showed:

AYES - Johnson-Stapley  
NAYS - Wong-Boyd-Gilbert-Jensen  
ABSENT - Payne

Mayor Wong declared the motion failed.

It was moved by Councilmember Gilbert, seconded by Vice Mayor Jensen, to approve the community aid grant requests as recommended by the Museum and Cultural Advisory Board.

Mayor Wong declared the motion carried unanimously by those present.

Councilmember Gilbert requested that the Board monitor the effectiveness of the various arts programs.

b. Mesa Historical Society funding requests.

It was moved by Councilmember Gilbert, seconded by Councilmember Boyd, to approve \$72,000 in funding for the Mesa Historical Society for FY 1996/97 subject to various service and reporting requirements.

Councilmember Gilbert requested a future update concerning the activities and objectives of the Society.

Mayor Wong declared the motion carried unanimously by those present.

c. Human Services grant funding requests.

Vice Mayor Jensen 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.

Councilmember Gilbert advised that he serves as a nonpaid member of the Board of Directors for the East Valley Addiction Council (EVAC) and the MARC Center.

City Manager Charles Luster stated that the Family Emergency Service Center (FESC) has requested that Council consider awarding level funding in the amount of \$45,000.

It was moved by Councilmember Stapley, seconded by Councilmember Johnson, to approve the human services funding requests as recommended by the Human Services Advisory Board, with the exception that level funding of \$45,000 be restored for FESC.

Councilmember Gilbert requested that FESC consider comments expressed by the Human Services Advisory Board relative to reducing the organization's cash reserve balance.

Upon tabulation of votes, it showed:

AYES - Wong-Boyd-Gilbert-Johnson-Stapley  
NAYS - None  
ABSENT - Payne  
ABSTAIN - Jensen

Mayor Wong declared the motion carried unanimously by those present and voting.

d. Housing requests.

It was moved by Councilmember Gilbert, seconded by Councilmember Boyd, to approve the housing requests as recommended by the Housing Advisory Board.

Mayor Wong declared the motion carried unanimously by those present.

- e. Funding allocation for Data Network for human services.

Mr. Luster said that staff does not recommend funding for Data Network at this time.

Council noted concern relative to the insufficient information provided by Data Network to the city.

It was moved by Councilmember Boyd, seconded by Councilmember Stapley, that funding for Data Network be denied.

Mayor Wong declared the motion carried unanimously by those present.

8. Discuss and consider various Fiscal Year 1996-97 budget plan issues.

- a. Funding allocation for redevelopment activities.

Mr. Luster stated that staff has no definite recommendation at this time concerning a funding allocation for redevelopment activities and requested that discussion on the matter be delayed.

- b. Continuation of GPEC funding.

Mr. Luster advised that Greater Phoenix Economic Council (GPEC) has requested continued funding in the amount of \$159,443 (based on Mesa's population of 318,885).

Mr. Hutchinson suggested that representatives from GPEC present material to Council prior to action on this item.

- c. Expansion of Parks and Recreation programs.

Parks, Recreation, and Cultural Director Joe Holmwood provided an overview of requested supplemental projects (after-school recreation programs, an open gym program, and youth and family special activities), commenting that activities offered to younger children may serve as a deterrent to adverse behavior later in life.

Council noted the importance of programs offered through the Parks and Recreation Department. Council encouraged staff to investigate the potential for corporate sponsorship of various youth projects.

It was moved by Vice Mayor Jensen, seconded by Councilmember Stapley, to approve the Parks and Recreation supplemental projects.

Mayor Wong declared the motion carried unanimously by those present.

- d. Consider extending Library branch hours.

Library Director Vince Anderson identified three requested supplemental projects: a) book budget increase and the addition of support staff, b) extension of the East Mesa Library's operational hours, and c) extension of the Dobson Ranch Library's operational hours. Mr. Anderson prioritized the requests in the order presented.

Council/Council-Elect spoke concerning the importance of quality-of-life issues and the need for expanded library services based on the City's population. Discussion ensued regarding the recent increase in book costs and the extended hours of operation proposed by staff.

It was moved by Councilmember Gilbert, seconded by Councilmember Stapley, to approve the requested supplemental projects, with a target hire date for staff of September 1996.

Mayor Wong declared the motion carried unanimously by those present.

e. Expand the PAY program.

Neighborhood and Community Assistance Director Tanya Collins and Human Services Coordinator Karen Kurtz presented background information concerning the PAY program, which provides productive summer activities for at-risk juveniles and is designed to reduce the likelihood of participation in crime or gang activity. Ms. Collins and Ms. Kurtz outlined funding requests to expand the program from 300 to 345 students.

It was moved by Vice Mayor Jensen, seconded by Councilmember Stapley, to approve the expansion of the PAY program.

Council/Council-Elect noted benefits of the program and expressed appreciation for the efforts of Ms. Collins and Ms. Kurtz.

Discussion ensued pertaining to the potential for extension of the program throughout the school year, peer mediation as a component of the program, tracking, and the selection of graduates to work as role models.

Mayor Wong declared the motion carried unanimously by those present.

f. Expand the Community School program.

Ms. Collins and Special Projects Coordinator Laurie Goggin spoke concerning the success of the City's first community school and outlined a request to establish a second community school at a junior high school in a selected neighborhood in Mesa.

Council expressed the opinion that the program is a useful tool to address various community needs.

It was moved by Vice Mayor Jensen, seconded by Councilmember Stapley, to approve the expansion of the Community School program.

Mayor Wong declared the motion carried unanimously by those present.

Council-Elect requested background information pertaining to the Community School program.

Council commended Ms. Collins and Ms. Goggin for their work.

g. Funding an additional Mesa Police Department "GREAT" officer.

Police Chief Lars Jarvie identified costs associated with an additional Gang Reduction Education and Training (GREAT) officer. Chief Jarvie indicated that the administrative vehicle and computer included in material presented to Council are not necessary components at this time and would therefore reduce the total first-year cost for the officer to less than \$50,000.

It was moved by Councilmember Boyd, seconded by Vice Mayor Jensen, to approve funding for an additional Mesa Police Department "GREAT" officer.

Chief Jarvie and Sergeant Terry Roe, Supervisor of the DARE/GREAT programs, spoke concerning prioritization of the DARE/GREAT programs within the Police Department and the potential for coordination with the PAY program.

Mayor Wong declared the motion carried unanimously by those present.

- h. Discuss annual contracts with Town Center, including their proposal to coordinate special events in the Town Center year-round.

Mr. Luster stated that staff has not finalized a recommendation relating to the Ultimate Imaginations, Inc. contract.

It was moved by Vice Mayor Jensen, seconded by Councilmember Boyd, to approve the annual contracts with the Mesa Town Center Corporation, with the exception of the Ultimate Imaginations, Inc. contract.

Council requested further study pertaining to the Ultimate Imaginations, Inc. contract and the potential for additional, higher-quality community special events.

Mayor Wong declared the motion carried unanimously by those present.

- i. Discuss adjustments to various utilities.

Mr. Luster said that staff does not propose adjustments to utility rates at this time aside from those recently considered at the Joint Finance/Utility Committee meeting.

- j. Other budget-related issues or desired changes to City programs.

In response to a question from Vice Mayor Jensen, staff indicated that funding for the Positive Alternative to Gangs program has been included in the budget request for the Police Department. Captain Lin Adams provided a brief overview of the funding request.

Councilmember-Elect Giles noted that priorities from the above agenda items include community aid, redevelopment activities, expansion of parks and recreation programs, extension of Library hours, and an additional "GREAT" officer.

(At 10:21 a.m. Mayor Wong excused Councilmember Johnson for the remainder of the meeting.)

Councilmember Gilbert requested additional information pertaining to particular line items within the proposed new budget. Councilmember Gilbert indicated a willingness to consider a

reduction in the proposed cost of living increase for employees to 2-1/2% and spoke concerning the importance of contingency fund balances.

Councilmember-Elect Giles asked that discussion pertaining to contingency funds be scheduled for an upcoming Council meeting.

9. Hear and consider reports on three bus-related issues:

a. Improvements to transit services.

Transportation Director Ron Krosting outlined five options relative to transit service improvements: 1) service hour extension, 2) express route improvements, 3) additional Saturday service, 4) Sunday service, and 5) a new local route. Mr. Krosting and Transit Director Jim Wright responded to questions from Council/Council-Elect concerning the proposed options.

Members of the Council/Council-Elect spoke in favor of components of the first, second, and/or fourth options and noted requests from citizens for additional service to residents in East Mesa, particularly in retirement communities.

It was moved by Vice Mayor Jensen, seconded by Councilmember Stapley, that staff develop additional options for Council consideration.

Mayor Wong declared the motion carried unanimously by those present.

b. Bus bays.

Mr. Krosting referred to diagrams and noted that bus bays can be installed as stand-alone projects, included with other street projects, can be required with developer improvements, or installed in some type of combination.

Mr. Luster suggested that action relative to this item be delayed pending availability of funds.

c. Advertising at bus shelters and on buses.

Mr. Luster noted legal ramifications related to advertising and requested that City Attorney Neal Beets address the issue at a future meeting.

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10. Adjournment.

It was moved by Councilmember Stapley, seconded by Councilmember Boyd, that the Study Session adjourn at 11:00 A.M.

Carried unanimously.

WILLIE WONG, 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 17th day of May, 1996. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 10<sup>th</sup> day of June 1996

BARBARA JONES, CITY CLERK