

COUNCIL MINUTES

December 16, 1999

The City Council of the City of Mesa met in a Study Session in the lower level meeting room of the Council Chambers, 57 East 1st Street, on December 16, 1999 at 7:30 a.m.

COUNCIL PRESENT

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

COUNCIL ABSENT

None

STAFF PRESENT

C.K. Luster
Kevin Adam
Don Ayers
Wayne Balmer
Neal Beets
Denise Bleyle
Jamie Brennan
Mike Brennan
Mark Coon
Linda Crocker
Gil Damiani
Bob DeLeon
Jack Friedline
John Gendron
Joe Holmwood
Mike Hutchinson
Barbara Jones
Kari Kent
Ron Krosting
Dorinda Larsen
Jeff Martin
Frank Mizner
Keith Nath
Ellen Pence
David Plumb
Bryan Raines
Tom Remes
Becky Richardson

STAFF PRESENT (CONT.)

Sharon Seekins
Jenny Sheppard
Jan Strauss
Larry Tally
Doug Tessendorf
Lois Underdah
Bill Way
Jaime Werner
Kim West
Mindy White
Paul Wilson
Larry Woolf
Others

OTHERS PRESENT

Eric Jackson
Pat Langdon
Carol McCormick
Jason Morris
Mark Reeb
C. K. Sato
Beverly Selvage
Robbie Sherwood
Marilyn Wennerstrom
Dave Wier
Others

1. Review items on the agenda for the December 20 Regular Council Meeting.

All of the items on the agenda were reviewed among Council and staff with no formal action taken. There was no specific direction provided or requests for further information relative to any of the items on the agenda.

2. Hear an update from Vince DiBella, Mesa Town Center Corporation President, regarding MTCC activities.

Vince DiBella, President of the Mesa Town Center Corporation (MTCC), addressed the Council relative to this agenda item.

Vice Mayor Giles congratulated Mr. DiBella and members of staff who were involved in the Merry Main Street event and commented on the wonderful time that everyone had at that festivity.

Mr. DiBella provided the Council with a brief update on the organization's activities and referred to a copy of an "Uptown/Downtown" newsletter which the Corporation developed in an effort to improve communications between MTCC and the business/property owners in the downtown area. Mr. DiBella informed the Council that the MTCC Policy Committee, which is chaired by Paul Fischer, has been involved in the downtown concept planning process and added that the MTCC Business Development Committee, chaired by Chuck Hulstrand, is involved in business marketing and recruitment activities. Mr. DiBella noted that with the exception of the Paul L. Sale and former Bank One buildings, a 2% vacancy rate exists in the Town Center area at the present time.

Discussion ensued relative to the possibility of focusing on the underutilized buildings in the downtown area in an effort to promote them for employment-type uses, the fact that the Programs and Operations Committee, chaired by Vicki Biro, is focusing on a "shop downtown" program as well as security safety and the passage of the housing code, the future direction of the MTCC and proposals for program expansion, the fact that maintenance efforts/costs have increased as a result of the streetscape widening and the need for added equipment and vehicles, MTCC's intention to develop a safety/security strategy for the downtown area, proposed expansion of business recruitment and marketing and the expansion of retail promotions.

Mr. DiBella informed the Council that in order to meet the growing needs and increasing costs, the MTCC is considering an assessment increase and said that the details of that issue will be presented to the Council at a future meeting. Mr. DiBella commented on the partnership efforts that have been expended between MTCC and the City and expressed appreciation to the Council for allowing the Corporation to participate in the various activities.

Councilmember Jaffa commended Mr. DiBella on his efforts to date and said that he has had conversations with business owners in the downtown area relative to whether the placement of tables outside of their businesses is a viable option. Councilmember Jaffa added that the tables could be use for playing board games and said that they may be a method of enhancing the "meeting value" of the downtown area.

Vice Mayor Giles thanked Mr. DiBella and the members of the MTCC Board for their input and continuing efforts.

Community Development Manager Wayne Balmer indicated that staff was prepared to present a brief overview of the downtown concept plan to the members of the Council.

Redevelopment Director Greg Marek submitted a revised rendering of the proposed Arts & Entertainment facility, based on previous input from the Council, as well as an entryway feature for the downtown area. Mr. Marek requested input from the Council relative to this issue.

Councilmember Jaffa stressed the importance of adhering to a concept plan that brings balance and quality development to the downtown area. Councilmember Jaffa said he has concerns regarding the proposed vision for the northwest corner of Main Street and Country Club and indicated that in his opinion a hardware store is not an appropriate business to mark the entry into the City's downtown area.

Discussion ensued relative to the proposed creation of an "urban village," the fact that a Request for Proposals has been issued for that site and staff's goal of ensuring that an appropriate proposal is selected.

Mr. Marek provided the Council with a brief overview of the proposed downtown concept plan and responded to questions from the members of the Council.

3. Consider a revised Ethics Code and Handbook.

Mayor Brown suggested that the Council discuss the "mechanics" of this issue at this time and discuss specific issues at the Regular Council Meeting.

City Attorney Neal Beets commented that staff is seeking direction and input from the Council at this time relative to the Ethics Code and Handbook. Mr. Beets stated that a substantial amount of revisions are being proposed based on input from the various members of the Council and briefly outlined a few of the proposed changes, clarifications and additions that are being recommended by staff.

Mr. Beets noted that staff is recommending that the Ethics Code and Handbook be adopted by at least five of the seven Council members and said that any future amendments by subsequent City Councils will require a super majority vote of five Councilmembers.

Mr. Beets commented that staff is seeking concurrence that the Council's concerns have been addressed and that the document appears to meet the needs and the direction of the Council.

Mayor Brown stated the opinion that due to time constraints, insufficient time exists today in which to review all of the proposed changes.

Councilmember Kavanaugh commended Mr. Beets on the extensive effort he has expended on this issue. Councilmember Kavanaugh said that he concurs with the recommended changes submitted by the members of the Council and added the opinion that the proposed document reflects the intent of the citizens' committee that developed the initial voluntary code. Councilmember Kavanaugh commented that the code is enforceable and provides examples in an effort to clarify issues.

Councilmember Hawker noted that he was a major critic of the Code and said that a significant amount of progress has been made. Councilmember Hawker advised that he is supportive of the document as presented. Councilmember Hawker added that he supports Option B which would require six votes by the Council to discipline a Councilmember or citizen advisory boardmember for demonstrating a lack of fitness for office.

Mr. Beets advised that Option A has already been introduced but said that should the Council decide to adopt Option B instead, Option B would be introduced at the Regular Council Meeting.

Mayor Brown stated the opinion that the likelihood of obtaining a unanimous vote of the Council to discipline another member is minimal and said that he supports Option A.

Councilmember Hawker clarified that the only classification that would require six votes would be "engaging in any other conduct demonstrating a lack of fitness" and said that the listed acts of misconduct would still require five votes.

Councilmember Pomeroy concurred with Mayor Brown's remarks and indicated support for Option A. Councilmember Pomeroy also requested that the ordinance be revised from "The Mesa City Council wishes to improve public trust and integrity...." to "wishes to maintain public trust and integrity." Councilmember

Pomeroy spoke in opposition to the placement of the extensive examples in the Code and Handbook and added that portions of the language are cumbersome and confusing.

Additional discussion ensued relative to the content and intent of the proposed Ethics Code and Handbook.

Mayor Brown recommended that Mr. Beets prepare both Option A and Option B for consideration at the Regular Council Meeting and said that discussion will continue at that time. Mayor Brown thanked Councilmember Kavanaugh for his efforts.

Councilmember Hawker indicated his willingness to withdraw his support for Option B based on the lack of support for that option.

(At this time Mayor Brown and Councilmember Jaffa were excused from the meeting and Vice Mayor Giles conducted the meeting.)

4. Further discussion and consideration concerning the day labor situation along Broadway and Mesa Drive.

Neighborhood and Community Assistance Director Tanya Collins and Human Services Coordinator Karen Kurtz addressed the Council relative to this agenda item.

Ms. Collins referred to a report submitted to the members of the Council and discussed staff's recommendation that a Community Task Force on Day Labor Practices be created to analyze the situation and present recommendations for consideration.

Ms. Collins suggested that the Task Force be composed of neighborhood leaders, citizen activists, concerned business people, and agency representatives and stated the opinion that the cooperative effort may result in viable recommendations. Ms. Collins stated that should the Council approve staff's recommendations, staff will pursue the development of a list of possible members of the Task Force and will present those names to the Council at a future meeting together with an overview of the goals of the Task Force.

Councilmember Kavanaugh spoke in support of staff's recommendation and said that citizen participation in this process is appropriate.

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

Councilmember Pomeroy concurred with the importance of public participation, particularly on controversial issues such as this.

In response to a request from Councilmember Davidson, Ms. Collins indicated her intention to propose a timeline for the Task Force to follow.

Councilmember Hawker stressed the importance of ensuring that the members of the Task Force represent a diverse range of opinions and said that in addition to social service representatives, input from citizens who are opposed to the presence of undocumented workers should also be solicited. Councilmember Hawker commented on the disparity between border patrol enforcement and the emphasis that is placed on not entering the United States unless you have legal papers and developing a job center in Mesa for the benefit of immigrants who illegally enter the country. Councilmember Hawker said he is unsure of how this matter can best be solved but stressed the importance of looking at the broad picture and focusing on the underlying problems.

Ms. Collins stated staff's intention to pursue this matter on all levels and to delve into all causes/effects associated with this issue.

Vice Mayor Giles declared the motion carried unanimously by those present.

5. Discuss and consider City regulations regarding forced air advertising balloons.

Community Development Manager Wayne Balmer stated that Code Compliance Director Bill Petrie and Zoning Administrator John Gendron are present to address this issue. Mr. Balmer provided the Council with a brief introduction to this agenda item and said that this issue arises on a regular basis. Mr. Balmer noted that at the current time, two types of signs are allowed, signs placed on buildings and freestanding signs. Mr. Balmer added that another method of further advertising is available on a special basis, and said that Special Event Licenses can be issued up to three times a year for special occasions or special promotions. Mr. Balmer also requested input from the Council regarding "grand opening" events and said that although the City of Mesa does not allow forced air balloons at grand opening events, the City is extremely lenient in allowing other types of temporary signage for up to a 30-day period of time.

Mr. Petrie informed the Council that from a code enforcement standpoint, staff would not be opposed to providing some allowance for balloons at grand openings but emphasized that extensive criteria for the regulation of the balloons would need to be established.

Discussion ensued relative to damage caused by balloons in surrounding cities, traffic hazards, community aesthetics, traffic distraction, emergency vehicle access obstruction and the fact that a number of the balloons are extremely large and cumbersome.

Councilmember Kavanaugh stated the opinion that from both aesthetic and liability standpoints, the current code is sufficiently liberal and indicated that he would not support expanding the current regulations.

Councilmember Pomeroy expressed the opinion that grand openings should be included in the list of special events.

Councilmember Davidson commented that this issue deserves consideration but agreed that strict enforcement regulations would have to be developed as well.

Councilmember Hawker spoke in opposition to allowing balloons to remain in place for periods of up to 30 days and said that a weekend time frame limitation would be more appropriate.

Vice Mayor Giles concurred with Councilmember Hawker's comments regarding limiting the time period and said that grand openings should be included in the list of special events and subject to a three to five day time limitation.

Mr. Balmer clarified the Council's direction and said that the special event category may be expanded to include grand openings. Mr. Balmer suggested that the grand opening events be limited to the three day period but added that upon submission of a request for added time, the period may be expanded at the discretion of the Zoning Administrator.

Mr. Balmer noted that the Planning and Zoning Board will also review this matter.

6. Appointments to boards and committees.

MARICOPA COUNTY SPORTS COMMISSION

Janice Ramirez – Reappointment for a four-year term

It was moved by Councilmember Kavanaugh, seconded by Councilmember Davidson, that the Council concur with the Mayor's recommendation and the appointment be confirmed.

Vice Mayor Giles declared the motion carried unanimously by those present.

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

Mayor Brown advised that there were no reports on meetings and/or conferences attended to report on at this time.

8. Scheduling of meetings and general information.

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

Monday, December 20, 1999, 5:45 p.m. – Regular Council Meeting

Monday, January 3, 1999, 5:45 p.m. – Regular Council Meeting

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

Vice Mayor Giles advised that there were no prescheduled public opinion appearances.

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

Vice Mayor Giles advised that there were no items from citizens present.

12. Adjournment.

Without objection, the Study Session adjourned at 9:47 a.m.

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 Study Session of the City Council of Mesa, Arizona, held on the 16th day of December 1999. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this ____ day of _____ 1999

BARBARA JONES, CITY CLERK