

COUNCIL MINUTES

June 5, 1997

The City Council of the City of Mesa met in a Policy Session in the lower level meeting room of the Council Chambers, 57 East 1st Street, on June 5, 1997 at 4:00 p.m.

COUNCIL PRESENT

Vice Mayor Pat Gilbert
John Giles
Dennis Kavanaugh
Joan Payne
Wayne Pomeroy
Jim Stapley

COUNCIL ABSENT

Mayor Wayne Brown

STAFF PRESENT

C.K. Luster
Lin Adams
Wayne Balmer
Neal Beets
Dennis Compton
Bill Haney
Mike Hutchinson
Lars Jarvie
Harry Kent
Wayne Korinek
Frank Mizner
Ellen Pence
Bryan Raines

STAFF PRESENT (CONT.)

Tom Remes
Becky Richardson
Gordon Sheffield
Debbie Vickmen
Mindy White
Others

OTHERS PRESENT

Chris Moeser
Dan Nowicki
Ray Rafford
Others

Vice Mayor Gilbert excused Mayor Brown from the meeting.

1. Discuss and consider amendments to the zoning ordinance with regard to the definition and placement of commercial communications towers and equipment.

Community Development Manager Wayne Balmer provided a brief synopsis relative to the placement of commercial communication towers. Mr. Balmer explained that between 1988 and 1995, twenty applications for Special Use Permits were processed and approved for tower sites but that during 1996 alone, 29 sites were approved. Mr. Balmer stated that the proposed guidelines would provide staff and Council a manner in which to evaluate requests for new towers and Special Use Permits. Mr. Balmer stated that the guidelines would: 1) provide an option to the industry of locating equipment at the necessary height on existing structures and 2) provide an option to build "aesthetic" oriented structures, such as church steeples with communication equipment inside structures.

Planner II Gordon Sheffield stated that staff encourages the use of co-locations to help prevent the need for several towers in the same location. Mr. Sheffield indicated that the focus of the proposed guidelines is for the industry to utilize existing vertical elements such as tall buildings, church steeples, athletic field lights or possibly co-locating on an existing communications tower with another carrier. Mr. Sheffield stressed the importance of

positioning the towers to avoid enhancing their visibility and spoke regarding the importance of the color of the towers.

In response to a question from Vice Mayor Gilbert, Mr. Sheffield said that staff works closely with neighboring communities in determining tower locations.

Vice Mayor Gilbert stressed the importance of working in cooperation with surrounding communities.

Discussion ensued relative to changes in the industry due to the Telecommunications Act, calculation of a grid system at build out, how vertical elements work, and staff's recommendation of Alternative One.

Councilmember Kavanaugh expressed the opinion that communication towers have become a concern across the nation and commended staff for their foresight in maintaining growth of communication towers.

Vice Mayor Gilbert thanked staff for the presentation and noted Council's support to proceed with the proposed ordinance.

2. Hear an update on the activities of the Gang Prevention Steering Committee and consider the future of this Committee.

Dr. Ray Rafford, Assistant Superintendent for Student Services, Mesa Public Schools, briefed Council relative to the Gang Prevention Steering Committee. Dr. Rafford explained that the Gang Prevention Steering Committee has recently revised its Community Action Plans and recommends three activities be implemented within the next year; 1) expand current parenting programming and provide bilingual parenting programs in the community, 2) provide after-school programs at Carson Junior High and Emerson Elementary, Fremont Junior High and Salk Elementary, Kino Junior High and Edison Elementary, Powell Junior High and Redbird Elementary, Mesa Junior High and Lowell Elementary, McKellips Learning Center, Power Learning Center, and Mesa Vista Alternative School, and 3) develop and implement a mentoring program within the neighborhoods.

Gang Control Coordinator Commander Lin Adams pointed out that in 1993 the Steering Committee's Community Action Plan to prevent, intervene, and suppress gang activity in Mesa was developed with 19 priorities identified. Commander Adams stated that since that time many of the priorities have been implemented. Commander Adams noted that the Technical Advisory Committee recommended three community wide activities which could be implemented within the next year.

In response to a question from Councilmember Giles, Dr. Rafford advised that the Gang Prevention Steering Committee works with organizations that offer similar programs. Commander Adams noted that currently the Committee is working with Valley Big Brothers and Big Sisters in developing a mentoring program. Commander Adams stated that the Committee would be utilizing both the skills and knowledge of the organization.

Councilmember Giles noted the importance of the Gang Prevention Steering Committee and stated the opinion that a member of City Council should be an active member of the

Committee. Councilmember Giles expressed an interest in being considered for the Committee.

Councilmember Stapley expressed support for the Committee.

In response to a question from Councilmember Stapley, Dr. Rafford explained that the program currently focuses on youth during after school hours but stated that the programs could be extended to other times of the day in the future.

Vice Mayor Gilbert commended the Committee for their efforts and targeting the three activities. Vice Mayor Gilbert expressed the opinion that coordination and measurement are key components of the program. Vice Mayor Gilbert stressed the importance of providing Council with updates.

3. Discuss and consider proposed text amendments to the Nuisance Code pertaining to nuisance abatement and property maintenance.

Code Compliance Supervisor Bill Petrie provided background history relative to the Nuisance Code. Mr. Petrie stated that proposed amendments to the Nuisance Code are the result of citizen complaints regarding conditions which staff is currently unable to address. Mr. Petrie explained that the proposed changes could be accommodated without modification to the City Charter. Mr. Petrie noted that upon initiation of the proposed changes, the Housing Codes of neighboring communities would continue to be more restrictive than Mesa's Nuisance Code.

Mr. Petrie reviewed the proposed changes and provided overheads depicting those residences located in Mesa that would be in violation of the Ordinance.

Discussion ensued relative to the percentage of allowable parking in a front yard, parking on the street, and the penalties for individuals that do not comply.

Councilmember Kavanaugh expressed the opinion that the changes would be a positive step for the community. Councilmember Kavanaugh indicated support for the proposed changes.

Councilmember Giles stated support for the changes but noted concern relative to the proposed percentage of parking permitted in a front yard area and requested that the Ordinance be modified.

Vice Mayor Gilbert suggested that a ratio of space available be used versus a percentage of front yard area. Vice Mayor Gilbert indicated concern regarding the cost to enforce the changes.

Councilmember Pomeroy stated the opinion that the changes have a significant impact on the community and encouraged staff to proceed.

Vice Mayor Gilbert indicated that there is a consensus among Council in support of the proposed changes but noted that the section of the Ordinance referring to the percentage of parking available in a front yard should be modified.

City Manager Charles Luster noted concern relative to weed control and asked that a compromise be considered for foliage between 6 and 12 inches.

Vice Mayor Gilbert thanked Mr. Petrie for the presentation.

4. Discuss and consider issues related to utility service requests in the County.

Public Works Manager Harry Kent advised Council that staff has received numerous utility service requests for developments in northeast and eastern Maricopa County. Mr. Kent explained that during 1996 Council approved new Terms and Conditions for Sale of Utilities which included the execution of a Development Agreement. Mr. Kent noted that the changes have caused concern to customers and reviewed several examples of utility service requests.

Councilmember Kavanaugh, Chairman of the Utility Committee, indicated support to continue with the requirements for utility extensions, right-of-way dedication, and cost participation for street improvements as currently required.

Councilmember Giles concurred with Councilmember Kavanaugh.

Vice Mayor Gilbert stated the opinion that it would be inadvisable to change the procedure and expressed support relative to continuing with the current requirements.

5. Consider amendments to the Mesa City Code changing the fine and probation structures for various business enterprises convicted of a misdemeanor in Mesa City Court.

City Attorney Neal Beets requested that Council consider amending the City Code to allow City Court judges to place enterprise defendants on probation and to increase the maximum misdemeanor fine for enterprises from \$2,500 to \$20,000. Mr. Beets advised Council that the increase would bring the penalty in line with the State Criminal Code. Mr. Beets explained that many City Code violations involve defendants that are partnerships, corporations, or other enterprises. Mr. Beets stated that currently fines are equal for individuals and enterprises (\$2,500 fine and six months in jail). Mr. Beets pointed out the fact that a business enterprise cannot be placed in jail and that a \$2,500 fine is not sufficient.

Councilmember Kavanaugh indicated support of the changes and stated the opinion that an increase in the fine would provide a better mechanism for the City and a deterrent for businesses. Councilmember Kavanaugh expressed concern relative to the City continuing to prosecute judiciously.

Councilmember Giles stated support for the changes.

Vice Mayor Gilbert suggested that Council should be kept abreast regarding the status of the prosecutions. Vice Mayor Gilbert expressed support for the changes relative to the importance of enterprise liability, but emphasized concern and possible lack of support in the future if enterprise liability is misapplied.

Mr. Beets explained that 95 percent of the City Code violations are handled on a staff level.

Vice Mayor Gilbert stated that there is a consensus among the Council to proceed with the proposed change.

6. Discuss and consider the assignment and usage of marked police vehicles and discuss a take-home vehicle program.

Police Chief Lars Jarvie provided a brief overview relative to a proposed take-home vehicle program. Chief Jarvie explained that currently the Police Department maintains a sufficient number of vehicles to accommodate peak work hours. Chief Jarvie requested that Council consider a take-home vehicle program and indicated that the program would require a fleet large enough to accommodate each Police Officer and to cover vehicle downtime, which historically is 23 to 32 percent of the fleet at any point in time.

In response to a question from Councilmember Giles, Chief Jarvie stated that there currently are sufficient vehicles to enable some of the officers to take their vehicles home during off-peak days.

Councilmember Giles expressed the opinion that providing officers the authority to take their vehicles home would benefit the community.

Chief Jarvie advised Council that the program was originally intended to locate Police vehicles in the neighborhoods, on the streets, and in the community. Chief Jarvie noted that a report outlining the pros and cons of a vehicle take-home program could be prepared if requested. Chief Jarvie informed Council that the program would require a significant increase in vehicles and approximately \$7 million to implement. Chief Jarvie said that the program could result in officers taking better care of their vehicle and driving more carefully.

Councilmember Giles indicated that a patrol-wide vehicle take-home program would be beneficial but stated that the cost would be prohibitive at this time. Councilmember Giles suggested that staff explore the options of a take-home program on a smaller scale using the current fleet of vehicles.

In response to a question from Councilmember Kavanaugh, Chief Jarvie indicated that currently staff is unaware of any local communities utilizing a take-home program but stated that several communities nation wide use the program. Chief Jarvie noted that federal grant money is available for a variety of programs.

Councilmember Pomeroy indicated opposition to changing the current program.

Councilmember Stapley stated opposition to the proposal relative to officers driving Mesa Police vehicles into other communities, potential vandalism of the vehicles, and lack of use of vehicles which are parked in a driveway three days out of the week due to 4-10 work schedules. Councilmember Stapley expressed the opinion that it may be premature for staff to prepare an in-depth report.

Councilmember Kavanaugh stated that a visible deterrent could be beneficial to the community and stressed the importance of conducting a survey relative to cities that have implemented a similar program. Councilmember Kavanaugh questioned whether a federal

grant was available to assist with the up-front costs. Councilmember Kavanaugh expressed the opinion that direction should be provided to staff relative to the pros/cons and cost of the program.

Vice Mayor Gilbert noted opposition to the program relative to the \$7 million capital acquisition cost. Vice Mayor Gilbert questioned if community policing could be utilized by locating the vehicles at various sites throughout the City.

Vice Mayor Gilbert noted concurrence among Council relative to staff initiating a program on a smaller scale within the context of the Police Department that would not require a substantial capital investment.

Vice Mayor Gilbert thanked Chief Jarvie for the presentation.

7. Scheduling of meetings and general information.

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

Friday, June 6, 1997, 7:30 a.m. - Transportation Committee

Friday, June 6, 1997, 8:00 a.m. - Study Session (to be followed by a tour to the Electric Department)

Friday, June 13, 1997, 7:30 a.m. - Study Session

Mr. Luster stated that Academy Class No. 7 will be graduating on Friday, June 13, 1997 at 6:00 p.m. at Red Mountain High School.

8. Adjournment.

It was moved by Councilmember Stapley, seconded by Councilmember Pomeroy, that the Policy Session adjourn at 5:52 p.m.

Carried unanimously.

PAT GILBERT, VICE MAYOR

ATTEST:

BARBARA JONES, CITY CLERK

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I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the Policy Session of the City Council of Mesa, Arizona, held on the 5th day of June 1997. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 7th day of July 1997

BARBARA JONES, CITY CLERK