

COUNCIL MINUTES

April 1, 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 April 1, 1999 at 7:30 a.m.

COUNCIL PRESENT

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

COUNCIL ABSENT

Pat Pomeroy

STAFF PRESENT

C.K. Luster
Joan Baier
Wayne Balmer
Kathy Barrett
Cindy Barris
Neal Beets
Denise Bleyle
Jamie Brennen
Dennis Compton
Mark Coon
Luigi Digirolamo
Jack Friedline
Bill Haney
Joe Holmwood
Mike Hutchinson
Barbara Jones
Karen Kille
Peter Knudson
Wayne Korinek
Ron Krosting
Dorinda Larsen
Rich Lorig
Greg Marek
Tom Mattingly
Frank Mizner
Keith Nath
Les Olsen Terri Palmberg
Ellen Pence

STAFF PRESENT (CONT.)

Dave Plumb
Bryan Raines
Andrea Rasizer
Tom Remes
Becky Richardson
Regan Robbins
Kathleen Savagian
Sharon Seekins
Jenny Sheppard
Glen Stephens
Jan Strauss
Steve Toland
Jamie Warner
Bob White
Mindy White
Paul Wilson
Others

OTHERS PRESENT

Arnold Jaffa
Sean Lake
Ray Rafford
Malcolm Ross
Robbie Sherwood
Ray Stern
Others

Mayor Brown excused Councilmember Pomeroy from the meeting.

Mayor Brown recognized the presence of Councilmember Jaffa's father, Arnold Jaffa, and welcomed him to the meeting. Mr. Jaffa expressed appreciation for the opportunity to attend the meeting.

1. Review items on the agenda for the April 5, 1999 Regular Council meeting.

All of the items on the agenda were reviewed among Council and staff with no formal action taken. There was specific discussion relative to the following items:

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

4. Consider the following liquor license applications.

*e. RANDHIR SINGH, INDIVIDUAL

New beer and wine store license for 7-Eleven 20168B, 810 West Baseline Road. The beer and wine store license previously held at this location by Connie French, Agent, 7-Eleven Food Stores, will revert back to the State.

Councilmember Hawker questioned whether the phrase "The receipts from off-sale beer and wine are an integral part of a convenience store business" represents valid justification for approval of the application. City Attorney Neal Beets indicated that the phrase is a standard utilized and accepted by the liquor board. Mr. Beets stated that distance from other locations having a liquor license does not have to be demonstrated and that a liquor license is determined necessary by many to remain competitive with other convenience stores. Mr. Beets expressed the opinion that the State Liquor Board would likely approve this application even if Council recommended denial.

6. Consider the following contracts.

*c. One-year renewal of the supply contract for street sweeper brooms as requested by Fleet Support Services.

In response to a question from Councilmember Davidson, Public Works Manager Jack Friedline outlined efforts to minimize dust from street sweeper brooms and indicated that consideration will be given to new designs when available.

*i. 210,000 water quality brochures for the Utilities Department as requested by the Printing and Graphics Division.

Councilmember Hawker asked if the brochures are in response to an unfunded mandate and questioned the feasibility of utilizing Channel 11 as an alternative. Utilities Manager Dave Plumb confirmed that the brochures are in response to an unfunded mandate and are intended to be utilized as an educational tool.

In response to questions from Councilmember Davidson, Mr. Plumb spoke concerning a recent news report of methyl tertiary butyl ether (MTBE) contamination found in a monitoring well in an undisclosed Mesa location. Mr. Plumb explained the purpose of monitoring wells (which are not used to supply drinking water) and reported that tests of City drinking water indicate no detection of MTBE contamination.

Mayor Brown recommended that further discussion relating to water issues be scheduled for a future Study Session. Vice Mayor Giles suggested that Environmental Programs Director Christine Zielonka be invited to participate.

*l. Purchase two AZTech kiosks, as requested by the Information Services Division. These kiosks will provide citizens with access to current roadway, transit, and aviation information, as well as access to City information through the Internet.

Councilmember Kavanaugh requested information pertaining to the installation of kiosks on a pilot basis at locations such as the Superstition Springs and Fiesta Malls and the feasibility of interactive operation. Assistant to the City Council Tom Remes said that discussions are ongoing concerning kiosk installation at malls or other high-traffic public facilities.

In response to a question from Councilmember Kavanaugh, Information Services Director Karen Kille advised that the vendor for the Parks and Recreation system has indicated that interactive capabilities will be available in the future. Ms. Kille reported that the majority of funding in next year's budget is dedicated to Year 2000 issues and that monies have not been included for additional kiosks/interactive capabilities.

Councilmember Kavanaugh stated that the kiosks have been a priority for Council for the past two years. Councilmember Kavanaugh and Mayor Brown encouraged efforts to proceed with kiosk installation/interactive capabilities.

Mr. Remes responded to questions from Councilmember Hawker pertaining to funding for the AZTech kiosks (50 percent match with the Arizona Department of Transportation), future potential printing capabilities (e.g., Personnel forms), and tracking (counting) abilities.

- *m. Additional video equipment to produce television shows for Channel 11 broadcast as requested by the Video Production Division of Public Information.

Vice Mayor Giles commended staff for the quality of the Channel 11 broadcast signal. In response to a question from Vice Mayor Giles, Video Production Coordinator Glen Stephens explained that the additional video equipment will allow on-screen broadcasting of the current time (similar to the standard utilized by other television channels), expand original broadcasting produced in-house, and provide resources for new staff.

Vice Mayor Giles and Mayor Brown requested that a presentation concerning the Video Production Division be scheduled for an upcoming Study Session.

- *o. Video equipment for public viewing of jail court proceedings as requested by the City Court.

At the request of Vice Mayor Giles, Court Administrator Kathy Barrett explained the purpose of the video equipment. Ms. Barrett noted that courtroom proceedings are required to be open to the public. Ms. Barrett stated that the recommended system will provide equipment to view both the proceedings conducted in the jail courtroom at the Mesa Police Department (allowing viewing separately to minimize victim contact with the defendant's immediate family) and video conferencing between the court and the Maricopa County Jail.

In response to a question from Vice Mayor Giles, Ms. Barrett advised that only certain types of hearings are allowed by Supreme Court Rule to be conducted using video conferencing. Ms. Barrett indicated that a committee is currently drafting proposed revisions to existing regulations and that the requested video equipment will allow the City to conduct more proceedings if such revisions are approved.

Vice Mayor Giles spoke in favor of the proposed modifications and recommended that a resolution be adopted by Council in support of such changes. Councilmember Kavanaugh suggested that the City enlist the assistance of the League of Arizona Cities and Towns to develop a coordinated approach.

- q. North Brimhall Street Special Improvement District No. 239 - City of Mesa Project No. 98-79.

Councilmember Hawker indicated that he had a potential conflict of interest in connection with the matter now under discussion which he wanted recorded in the minutes of the meeting, and because of such conflict of interest, he would refrain from voting upon or otherwise participating in any manner in connection with same.

Mayor Brown stated that this item will remain off the consent agenda.

- r. Falcon Field Airport pavement preservative seal and slurry seal - City of Mesa Project No. 99-81.

Councilmember Hawker indicated that he had a potential conflict of interest in connection with the matter now under discussion which he wanted recorded in the minutes of the meeting, and because of such conflict of interest, he would refrain from voting upon or otherwise participating in any manner in connection with same.

Mayor Brown stated that this item will remain off the consent agenda.

- 8. Consider the following resolutions.

- *a. Authorizing the City Manager to execute documents to apply for funding for CDBG/HOME/ESG projects (Community Development Block Grant, HOME Investment Partnerships Program, Emergency Shelter Grant) for FY1999/2000 funding.

Councilmember Davidson asked that this item be removed from the consent agenda. Councilmember Davidson noted the 25th anniversary of the CDBG program and suggested a presentation from staff relative to the impact of the program on the community.

- *d. Authorizing the City Manager to execute an agreement between the City of Mesa and the Arizona Governor's Office of Highway Safety providing for officers' overtime funds and education of the motoring public by posting red light enforcement signs at designated intersections within the City.

Police Lieutenant Luigi Digirolamo explained that a grant is available to provide funds to pay for signage and officers' overtime for red light enforcement at designated intersections. Lt. Digirolamo advised that the City has 20 motorcycle officers and that 15 would be available for this program. Lt. Digirolamo stated that this program will supplement the City's photo enforcement program.

In response to a question from Councilmember Hawker, Lt. Digirolamo noted that officer enforcement enables more extensive identification of violators than photo enforcement but poses a greater risk in pursuing individuals through intersections.

- *e. Relating to the Maricopa County Board of Supervisors and residential development in the vicinity of the Williams Gateway Airport and the General Motors Proving Grounds.

Councilmember Jaffa requested that this item be removed from the consent agenda. Councilmember Jaffa recommended that consideration be given to expanding the scope of the resolution to address developers having an interest in the area.

Mayor Brown stated that he also has suggestions for modifying the resolution and asked that Councilmembers provide any recommendations they may have for language revisions to staff by noon on Friday, April 2, 1999.

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

- *a. Recommend adoption of the proposed fee adjustments as presented by staff.

Parks, Recreation and Cultural Director Joe Holmwood responded to questions from Council pertaining to proposed leagues for junior high youth, scoreboard operating technology/payment of staff, and recreation center fees.

Councilmember Davidson questioned the feasibility of eliminating fees for nonprofit fundraising events. Mayor Brown noted the extensive number of requests for fee waivers received by the City and recommended that the issue be presented for discussion at the next meeting of the Parks and Recreation Advisory Board. Councilmember Davidson suggested that consideration be given to limiting applicability to Mesa-based (rather than statewide) organizations.

In response to a question from City Manager Charles Luster, Mayor Brown stated that this item will remain on the agenda for the April 5, 1999 Regular Council Meeting and that a report from the Parks and Recreation Board concerning nonprofit fundraising events will be presented at a future date.

(Mr. Holmwood presented background information concerning a recent newspaper article regarding a need to relocate Little League activities from Brimhall Junior High School to Madison Elementary School. Mr. Holmwood commended staff for their work in resolving the situation and noted proactive efforts toward securing additional ballfields.)

- *11. Consider write-off of utility and miscellaneous accounts in the amount of \$216,947.00.

Councilmember Jaffa commended staff for their collection efforts, stating that the amount of write-off represents a minimal percentage. Councilmember Jaffa reiterated a previous recommendation to include the percentage of write-off in meeting materials.

Mr. Luster advised that percentages are included in staff reports but can be noted on the agenda in the future.

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

- a. **Z98-78** The northwest corner of Brown and Greenfield Roads. Site plan modification (3.15 acres). This case involves the development of a daycare and two-story offices. CB Richard Ellis Co., owner; Kathy Fogarty, applicant. **CONTINUED FROM THE SEPTEMBER 17, OCTOBER 15, NOVEMBER 19, 1998, AND JANUARY 21, 1999 MEETINGS. A 3/4 VOTE IS REQUIRED TO APPROVE THIS CASE.**

In response to questions from Councilmember Jaffa, Community Development Manager Wayne Balmer informed Council that a letter has been received from the applicant outlining additional items for consideration, including a reduction in the size of the office building to 30,000 square feet and stipulations for incorporating a daycare into the facility. Mr. Balmer said that the zoning case has previously been continued to allow an opportunity for the applicant to address neighborhood concerns but that a 3/4 vote is required unless a protest is withdrawn by neighbors.

- b. **Z98-105** The southeast corner of Signal Butte Road and Broadway Road. Rezone from O-S and R1-7 to C-2 (8.02 acres). This case involves the development of a commercial

shopping center. McRae Group of Companies, owner. Represented by Ron McRae; Lysle S. Richardson, applicant. **CONTINUED FROM THE NOVEMBER 19, 1998 AND JANUARY 21, 1999 MEETINGS. A 3/4 VOTE IS REQUIRED TO APPROVE THIS CASE.**

Mr. Balmer advised that this property was annexed from Maricopa County. Mr. Balmer said that the established City zoning districts were O-S and R1-7 but that it has been determined that C-2 and R1-7 are more appropriate designations. Mr. Balmer indicated, however, that the applicant is requesting C-2 zoning for both the northern and southern portions. Mr. Balmer spoke concerning neighborhood opposition.

- *d. **Z99-16** The southeast corner of Power Road and Elliot Road. Rezone from R1-43 to R-3, C-2, M-1, and M-2 with a DMP overlay (82+/- acres). This case involves a land use master plan containing mixed uses. John O'Hara, owner; Robert Kubicek Architects, applicant. Represented by Jamie Coverdale.

Mr. Balmer responded to questions from Councilmember Davidson pertaining to noise contours in relation to Williams Gateway Airport and the proposed mixed uses of the property. Mr. Balmer commented that it is likely the site will not develop as proposed and noted that each portion will be presented to Council in the future.

Mayor Brown suggested that this item be removed from the consent agenda.

2. Hear a report from Dr. Ray Rafford, Chairman of the Mesa Gang Prevention Steering Committee, regarding the gang program.

Ray Rafford, Chairman of the Mesa Gang Prevention Steering Committee, introduced Police Lieutenant Steve Toland, and advised that Lt. Toland and Police Commander Greg Fowler are the current staff liaisons for the Gang Steering Committee.

Dr. Rafford presented a status report of the following Gang Prevention Steering Committee Action Team recommendations: a) expand current parenting programming and provide bilingual parenting programs in the community; b) provide after-school programs at Carson/Emerson, Fremont/Salk, Kino/Edison, Powell/Redbird, Mesa Jr./Lowell, McKellips Learning Center, Power Learning Center, and Mesa Vista Alternative Schools; emphasis should be on providing activities between the hours of 3 and 7 p.m. and should include youth job training, sibling care, etc.; and c) develop and implement a mentoring program within the neighborhoods, whereby 25 adult mentor/role models would be identified and connected with 25 at-risk youth in each of the 14 *Building a Healthier Mesa* areas. Lt. Toland spoke concerning coordination in relation to the mentoring program.

Lt. Toland reported that a conference will be held in Mesa during the second week in April, at which time the Mesa Gang Intervention Project (OJJDP Grant) will be evaluated for fifth-year funding. Lt. Toland extended an invitation to Council to attend open houses to be held at the project office located on Broadway Road and at the Boys and Girls Club.

Councilmember Jaffa suggested that all income levels be considered in conjunction with the parenting programming.

Mayor Brown thanked Dr. Rafford and Lt. Toland for the update.

3. Further discussion and consideration concerning the Mesa Verde Sports Club and Resort Project.

Redevelopment Director Greg Marek advised that Interactive Leisure Resources (ILR) has requested commitments from the City regarding three issues to enable ILR to complete financing arrangements for the Mesa Verde project: construction of a parking garage, location of aquatics center, and modification to the lease for Site 17. Mr. Marek stated that each of the issues will require amendments to the redevelopment agreement.

Mr. Marek outlined proposed stipulations/financing for the parking garage and aquatics center. Mr. Marek related a plan whereby ILR would assume the risk in constructing, financing, and operating the parking garage, which would be located on the site of the existing surface parking lot north of the Sheraton Hotel. Mr. Marek spoke concerning economies of scale in integrating the aquatics complex with the Mesa Verde project but noted anticipated construction of the aquatics center as a stand-alone City facility with separate utilities and infrastructure.

Mr. Marek requested direction from Council in order to prepare amendments for Council consideration within the next 30 days.

Councilmember Kavanaugh expressed appreciation for efforts to date and stated support for the proposal to develop amendments to the redevelopment agreement.

Mayor Brown concurred with Councilmember Kavanaugh.

Brief discussion ensued regarding interim arrangements for current users of the surface parking and the likelihood that the Legislature will repeal the State's theme park designation (grandfathering only the City of Scottsdale), which had been applied for in relation to the project.

Councilmember Hawker said that 30 days will allow an opportunity for the Downtown Aquatics Facility Planning Committee and the Parks and Recreation Board to further review the matter. Councilmember Hawker related advantages by co-locating the facility with the Mesa Verde project.

Malcolm Ross, representing ILR, and City Attorney Neal Beets responded to questions from Councilmember Jaffa pertaining to project financing, private/public contributions, and the proposal to structure the agreement with ILR for the aquatics center to enable financing on a tax-exempt basis. Mr. Ross expressed the opinion that the proposed modifications will not affect the conditional approval received from financing partners and said that he does not anticipate that further revisions will be requested by ILR in the future.

Mr. Marek noted that ILR has asked that the City grant the immediate lease of Site 17 to ILR. Mr. Marek advised that the City would reserve the right to issue a building permit until financing and a completion bond are secured.

Vice Mayor Giles indicated support for the project but expressed concern in relation to integrating the aquatics center with the Mesa Verde project. Mr. Ross outlined anticipated cost savings and benefits in attracting events/individuals to the downtown area. Mr. Ross stated that further discussion is necessary to finalize an agreement to achieve financing on a tax-exempt basis.

Mayor Brown thanked Mr. Marek and Mr. Ross for the information.

4. Consider possible additional Council priorities for the FY99/00 budget.

Assistant to the City Manager Bryan Raines advised that budget hearings will be held May 4-10, 1999, and that a preliminary budget book will be available on April 19, 1999. Mr. Raines requested that Councilmembers forward to staff any additional budget priorities for consideration.

Mayor Brown reiterated the public safety features of the quality-of-life tax approved by voters.

Councilmember Hawker outlined recommendations in relation to multi-year budgeting, continued auditing of departments, diversion programs, stormwater master plan update/impact fees, kiosks, the canal system, hiking/biking trails, and fund balances.

Councilmember Jaffa related suggestions pertaining to the review of impact fees, electric deregulation, infrastructure at Williams Gateway Airport, fund balances, and potential effects of electronic commerce.

Councilmember Davidson advised that he will prepare a list for submission to staff but spoke concerning incentives for alternative designs in residential development. Councilmember Davidson concurred with Councilmember Jaffa regarding infrastructure at Williams Gateway Airport.

Mayor Brown commented that further review may be necessary in reference to Williams Gateway Airport prior to the budget hearings.

Vice Mayor Giles highlighted recommendations regarding ballfields, lack of documentation concerning sex offenders within the community, and Internet capabilities.

5. Acknowledge receipt of minutes of various boards and committees.

- a. Transportation Advisory Board meeting held March 16, 1999.

It was moved by Councilmember Jaffa, seconded by Vice Mayor Giles, to acknowledge receipt of the minutes of the Transportation Advisory Board held March 16, 1999.

Carried unanimously.

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

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

7. Scheduling of meetings and general information.

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

Monday, April 5, 1999, 5:45 p.m. - Regular Council Meeting (preceded by a Study Session)

Thursday, April 8, 1999, 7:30 a.m. - Study Session

Wednesday, April 14, 1999, 7:30 a.m. - Fire Committee Meeting

Monday, April 19, 1999, 5:45 p.m. - Regular Council Meeting (preceded by a Study Session and Utility Committee Meeting)

8. Prescheduled public opinion appearances (maximum of three speakers for three minutes per speaker).

There were no prescheduled public opinion appearances.

9. Items from citizens present (maximum of three speakers for three minutes per speaker).

There were no items from citizens present at this time.

10. Adjournment.

Without objection, the Study Session adjourned at 9:33 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 1st day of April, 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