

COUNCIL MINUTES

February 25, 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 February 25, 1999 at 8:01 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 Adams
Joan Baier
Wayne Balmer
Cindy Barris
Neal Beets
Denise Bleyle
Jamie Brennen
Dennis Compton
Mark Coon
Bob Deleon
Jack Friedline
Dan Hansing
Mike Hutchinson
Barbara Jones
Wayne Korinek
Ron Krosting
Rich Lorig
Greg Marek
Jeff Martin
Frank Mizner
Keith Nath
Eric Norenberg
Ellen Pence

STAFF PRESENT (CONT.)

Andrea Rasizer
Tom Remes
Becky Richardson
Regan Robbins
Sharon Seekins
Jenny Sheppard
Jan Strauss
Doug Tessendorf
John Vega
Mindy White
Larry Woolf
Others

OTHERS PRESENT

Fernando Guerrero
Jack Keller
Phil Kellis
Ken Lenhart
Ralph Pew
Robbie Sherwood
Bill Sims
Others

1. Review items on the agenda for the March 1, 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.)

5. Consider the following contracts.

- *h. Parks registration and reservation system for the Parks, Recreation and Cultural Division (MPRCD) as requested by the Information Services Division (ISD). This system will replace the existing system and provide enhanced registration and reservation functionality to Mesa citizens.

In response to a question from Councilmember Pomeroy, Purchasing Director Sharon Seekins explained that because an evaluation system was advertised, the bids received were reviewed by an evaluation team, even though the price differential between the two bids was significant. Ms. Seekins presented a brief overview of the evaluation process.

- *m. 4-inch high-pressure gas main, North Ellsworth Road between East Glencove Avenue and East McKellips Road. City of Mesa Project No. 98-73.

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 be removed from the consent agenda.

- p. 1998/99 fog seal project. City of Mesa Project No. 99-71.

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 said that this issue will remain off the consent agenda.

- *q. Broadway Recreation Center gymnasium renovation. City of Mesa Project No. 99-14.

Councilmember Jaffa questioned whether consideration has been given to selling the existing gymnasium floor. Superintendent of Streets Keith Nath advised that the price for removal/replacement is inclusive of the floor and that it would be the discretion of the contractor to sell the existing floor.

Vice Mayor Giles noted a potential for nostalgic and/or fundraising value.

6. Introduction of the following ordinance and setting March 15, 1999 at the date for the public hearing on this ordinance.

- *a. Relating to signs; repealing Chapter 4, Title 4 of the Mesa City Code; preserving rights and duties that have matured and proceedings that have begun thereunder; amending Title 4 of the Mesa City Code by adding a new Chapter 4; providing penalties for the violation thereof; and establishing a delayed effective date.

City Attorney Neal Beets responded to questions from Councilmember Jaffa pertaining to the proposed regulations and existing legal nonconforming signs. Councilmember Jaffa suggested recognition of individuals who upgrade signage in conformance to the new regulations.

7. Consider the following resolutions.
 - a. Authorizing the City Manager to sign a Memorandum of Understanding concerning the Rio Salado Crossing Multipurpose Project. **CONTINUED FROM THE FEBRUARY 16, 1999 COUNCIL MEETING.**

In response to concerns expressed by Councilmember Jaffa regarding development of remaining components of the Rio Salado Crossing Project, Mr. Beets clarified that Section 4.2 of the Memorandum of Understanding recognizes "the importance of making certain that this related development occurs in order for the approved Financing Plan to be achieved" and therefore includes a provision for a master developer.

- d. Authorizing the City Manager to execute an intergovernmental agreement between Paradise Village II Streetlighting Improvement District and the City of Mesa for the operation and maintenance of streetlighting facilities.

Councilmember Davidson 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.

- *e. Authorizing the City Manager to execute an intergovernmental agreement between Maricopa County and the City of Mesa for substance abuse services for FY1998-99.

Councilmember Jaffa noted that he is a member of the East Valley Addiction Council's Foundation, which is separate from the operating committee, and said that he has been advised by City Attorney Neal Beets that a conflict of interest does not exist because it is a nonsalaried position for a nonprofit organization.

In response to a question from Councilmember Pomeroy, City Manager Charles Luster indicated that the monies are pass-through funds.

9. Consider the following case from the Planning and Zoning Board and possible adoption of the corresponding ordinance.
 - a. **Z98-113** 201 North Hobson. Rezone from R1-6 and R-2 to R1-6-PAD (0.5+/- acres). This case involves the development of a 4-lot single-residence subdivision. Owner/applicant; Damon C. Wheeler and Colleen C. Wheeler. **CONTINUED FROM THE FEBRUARY 16, 1999 CITY COUNCIL MEETING. A 3/4 VOTE IS REQUIRED TO APPROVE THIS REQUEST.**

Councilmember Pomeroy reiterated prior claims expressed by property owners relating to the existence of an easement. Ralph Pew, representing the applicant, stated that he is awaiting a legal description and is attempting to clarify boundary lines prior to the March 1, 1999 Regular Council Meeting.

Community Development Manager Wayne Balmer related previous concerns from neighbors pertaining to general land use as well as property boundaries. In response to a question from Mr. Balmer, Mr. Pew stated that he is unsure whether the legal description will resolve the concerns of all neighbors and that individuals may be present to speak on this item at the Regular Council Meeting.

2. Further discussion and consideration concerning the adopted Ethics Code.

Vice Mayor Giles commented that he and other Councilmembers and Boardmembers have had questions relating to the Ethics Code but stated the opinion that the upcoming training for the Council and the City's Boards and Commissions will address such questions.

Mayor Brown cited examples and related difficulties associated with disclosure requirements and the directive to report gifts/benefits/favors within two business days of receipt. Mayor Brown suggested further discussion of this issue prior to publication of the Ethics Code handbook.

Councilmember Hawker commented that the Ethics Code has been in effect a sufficient length of time to warrant additional review. Councilmember Hawker noted concerns in reference to the extensiveness of the phrase "appearance of favoritism."

Councilmember Jaffa said that he has questions and concerns pertaining to the interpretation of perception and potentially burdensome reporting requirements. Councilmember Jaffa concurred with Mayor Brown that further discussion is appropriate.

Mayor Brown requested that this matter be scheduled for additional review.

3. Discuss and consider revising the service agreement with Mesa Sports Association, Inc. (HoHoKams).

Community Services Manager Wayne Korinek outlined proposed revisions to the current service agreement between the City of Mesa and the Mesa Sports Association, Inc. (HoHoKams). Mr. Korinek advised that the City previously entered into a 20-year agreement with the HoHoKams commencing with the 1997 Spring Training season and that in accordance with the terms, such agreement is to be reviewed following the second Spring Training season (1998) and every two years thereafter to ensure that conditions and revenue distributions continue to meet the objectives of both the City and the HoHoKams.

Mr. Korinek noted that one of the primary goals of the HoHoKams is to donate funds for the benefit of the community. Mr. Korinek indicated that proposed modifications to revenue distribution (primarily relating to parking, program sales, and program and stadium advertising) will allow the HoHoKams to realize an estimated net income of \$75,000, which is approximately \$26,000 more than this past year. Mr. Korinek delineated details pertaining to the proposed agreement, including the continued guarantee that HoHoKam revenues will exceed expenditures by \$40,000, as stipulated in the current agreement.

In response to questions from Mayor Brown, Fernando Guerrero and Ken Lenhart, representing the HoHoKams, provided background information pertaining to previous service agreements and noted various activities/contributions of the HoHoKams. Phil Keller, Treasurer for the HoHoKams, spoke concerning the positive financial condition of the organization and what he foresees to be a favorable upcoming season.

Mr. Lenhart and Mr. Keller expressed appreciation to the City, and particularly Finance Director Larry Woolf, for their efforts in negotiating the revised agreement.

Councilmember Hawker stated the opinion that the HoHoKams provide exceptional service and that a guarantee of \$40,000 is minimal given the number of voluntary hours contributed by members.

At the request of Councilmember Hawker, Mr. Keller outlined donations provided by the HoHoKams to various organizations during the past year. Mr. Keller said that it is the aspiration of the HoHoKams to increase contributions to the community.

Mayor Brown suggested efforts to relay to citizens information concerning the number of hours of service and contributions provided by the HoHoKams.

Councilmember Pomeroy congratulated the HoHoKams for their work and significant assistance to the community.

Councilmember Kavanaugh commended the individuals involved in developing the agreement, stating that the proposed revisions are equitable.

Councilmember Kavanaugh related comments expressed approximately three years previously by former Vice Mayor Pat Gilbert relating to membership composition (i.e., no females) and his personal concerns at that time regarding the City entering into a contract with an entity having an exclusive membership. In response to a question from Councilmember Kavanaugh, Mr. Guerrero outlined recruitment efforts to date to generate a diverse membership. Mr. Guerrero advised that any individual may be proposed for membership but that few nominations for women have been received (none of which have been voted into membership). Mr. Guerrero indicated that the membership process is complicated but not discriminatory. Mr. Guerrero noted that the HoHoKams do not actively recruit members but that current members recommend individuals for membership. Mr. Guerrero related qualifications for membership, citing compatibility and an ability to dedicate extensive time.

In response to additional questions from Councilmember Kavanaugh, Mr. Guerrero delineated differences between the HoHoKams and other organizations within the Cactus League.

Councilmember Davidson commended the HoHoKams for their work but encouraged efforts to reevaluate the membership process and consider modifications. Councilmember Davidson expressed the opinion that improvements are necessary and should be generated from within the organization.

Councilmember Jaffa stated appreciation for the contributions of the HoHoKams. Councilmember Jaffa said that he is aware of recruitment efforts to date and urged continuation of recruitment activity.

Mayor Brown noted the HoHoKams' membership diversity in relation to ethnicity and a "willingness to work" as a principal qualification for membership. Mayor Brown reiterated Councilmember Davidson's comment that changes be generated from within the organization.

It was moved by Councilmember Pomeroy, seconded by Councilmember Jaffa, to approve the revised service agreement with the Mesa Sports Association, Inc. (HoHoKams).

Councilmember Davidson said that he will vote in favor of the motion, noting the importance of the contributions by the HoHoKams to organizations within the community, but expressed an expectation that the HoHoKams will address concerns presented by Council.

Vice Mayor Giles stated appreciation to the HoHoKams for their work but concurred with concerns noted by Councilmembers. Vice Mayor Giles encouraged the HoHoKams to address the issue of membership composition and suggested feedback in reference to recruitment efforts.

In response to a question from Mayor Brown, Vice Mayor Giles clarified his concerns, particularly regarding legal ramifications in relation to the City awarding a contract to an organization having an exclusive membership. Vice Mayor Giles encouraged the HoHoKams to initiate changes within the organization.

Councilmember Kavanaugh spoke regarding the perceived sanction of activity granted by a contract with the City. Councilmember Kavanaugh reiterated concerns expressed by Council and urged the HoHoKams to

address the matter of membership. Councilmember Kavanaugh said that he will support the motion and congratulated the HoHoKams for the diversity of the organizations to which they contribute.

Councilmember Davidson concurred with concerns noted by Vice Mayor Giles and the appropriateness of performance reviews/measures.

Vice Mayor Giles said that he will vote in favor of the contract. Vice Mayor Giles noted the contributions of the HoHoKams and extended an invitation to the HoHoKams to provide an update in one year concerning revenues, donations, and efforts toward a more inclusive membership.

Carried unanimously.

Mayor Brown thanked the HoHoKams and staff for their efforts.

3.1. Discuss and consider the proposed accelerated freeway construction program.

Assistant to the City Manager Jeff Martin presented an overview of the Maricopa Association of Governments' (MAG) accelerated freeway construction program. Mr. Martin displayed a map illustrating the regional highway projects proposed for completion by the year 2007. Mr. Martin related anticipated time frames for specific segments and funding, including acceleration based on utilization of the State Infrastructure Bank (SIB), Grant Anticipation Notes (GANs), and local monies.

Mr. Martin stated that tentative approval of the program is scheduled for March 1999, followed by a conformity analysis and subsequent final approval in June 1999. Mr. Martin advised that the proposed advancement of the freeway program is contingent upon passage of HB2572 by the Legislature. Mr. Martin indicated that in addition to the freeway acceleration, funding is also planned for widening of the Superstition Freeway (HOV lane and crossroad improvements).

Mayor Brown related discussions at a recent MAG meeting and spoke regarding the importance of the program to Mesa and the East Valley. Councilmember Jaffa concurred with comments expressed by Mayor Brown.

Mayor Brown and Mr. Martin responded to questions from Council pertaining to the MAG meeting and the proposed regional highway projects.

Mayor Brown suggested that the Transportation Committee review this issue and provide input.

Mayor Brown thanked Mr. Martin for the update.

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

- a. Crime Prevention Advisory Board meeting held February 17, 1999.
- b. Design Review Board meeting held February 3, 1999.
- c. Fire Committee meeting held February 4, 1999.

It was moved by Councilmember Jaffa, seconded by Vice Mayor Giles, to acknowledge the receipt of the above-listed minutes.

Carried unanimously.

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

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

6. Scheduling of meetings and general information.

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

Thursday, February 25, 1999, 5:30 p.m. - Reception for the Red Mountain Multigenerational Facility

Monday, March 1, 1999, 3 p.m. - General Development Committee Meeting

Monday, March 1, 1999, 5:45 p.m. - Regular Council Meeting (preceded by a Study Session)

Thursday, March 18, 1999, 8 a.m. - Study Session (followed by a Transportation Committee Meeting)

Mr. Luster advised that the Study Session originally scheduled for Thursday, March 4, 1999, has been canceled. Mr. Luster noted that Mesa will host the International Downtown Association Conference this weekend.

Councilmember Jaffa extended an invitation to Councilmembers to attend a neighborhood meeting to be held at 7 p.m. this date at Sunland Village East.

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

There were no prescheduled public opinion appearances.

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

There were no items from citizens present at this time.

9. Adjournment.

Without objection, the Study Session adjourned at 9:39 a.m.

WAYNE BROWN, 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 Study Session of the City Council of Mesa, Arizona, held on the 25th day of February 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