

COUNCIL MINUTES

March 11, 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 March 11, 1999 at 8:13 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
Shelly Allen
Wayne Balmer
Cindy Barris
Neal Beets
Denise Bleyle
Jamie Brennen
Dennis Compton
Mark Coon
Jack Friedline
Gerry Gerber
Joe Holmwood
Mike Hutchinson
Barbara Jones
Karen Kille
Wayne Korinek
Rich Lorig
Jeff Martin
Frank Mizner
Keith Nath
Ellen Pence
Bryan Raines
Andrea Rasizer
Tom Remes
Ross Renner
Becky Richardson

STAFF PRESENT (CONT.)

Regan Robbins
Kathleen Savagian
Sharon Seekins
Jan Strauss
Doug Tessendorf
Lois Underdah
Mindy White
Paul Wilson
Larry Wolf
Others

OTHERS PRESENT

Teresa Brice-Heames
Charles Crismon
Vince DiBella
Fred Dotson
Joanie Flatt
Victor Linoff
Ron Peters
Russell Rainey
Robbie Sherwood
Bill Sims
Mary Jo Whalen
Fred Williams
Others

1. Review items on the agenda for the March 15, 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.)

3. Conduct a public hearing concerning the proposed revised Mesa Town Center redevelopment plan.

Mayor Brown, Vice Mayor Giles, and Councilmembers Hawker, Jaffa, and Pomeroy indicated that they had a potential conflict of interest in connection with the matter now under discussion which they wanted recorded in the minutes of the meeting.

In response to a question from Councilmember Hawker, City Attorney Neal Beets explained that because potential conflicts of interest affect more than four Councilmembers (a majority of the Council) and State law requires a Council-approved redevelopment plan for downtown before the City can proceed with additional redevelopment projects in the area, it is his recommendation and opinion that all Councilmembers can and should participate in discussion and voting on the proposed new redevelopment plan (see Items 8b and 8b.1).

5. Consider the following bingo applications.

In response to a question from Councilmember Pomeroy regarding bingo applications in general, City Manager Charles Luster stated that such applications are reviewed by staff and are typically routine, but are required by State law to be presented to Council.

6. Consider the following contracts.

- *m. Baseline Road improvements, Stapley Drive to 1,600 feet east - City of Mesa Project No. 98-41.1.

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.

- *n. Street improvements along North Old Gilbert Road and Hermosa Vista Drive; south Norfolk Street; and Golden and Gary Street cul-de-sacs - City of Mesa Project Nos. 98-80; 99-07; and 98-42.

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 item will be removed from the consent agenda.

7. Introduction of the following ordinances and setting April 5, 1999 as the date for the public hearing on these ordinances.

- *f. **Z99-16** The southeast corner of Power and Elliot Roads. 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.

In response to a question from Councilmember Jaffa, Community Development Manager Wayne Balmer explained that this property was recently annexed and involves a land use master plan consisting mainly of industrial/commercial. Mr. Balmer indicated that staff will be recommending approval of the case when it is presented for Council consideration.

8. Consider the following resolutions.
 - b. Relating to redevelopment areas, and finding and declaring the necessity of redevelopment of the Mesa Town Center area.

and

- b.1. Approving a redevelopment plan for the Mesa Town Center area.

Mayor Brown, Vice Mayor Giles, and Councilmembers Hawker, Jaffa, and Pomeroy indicated that they had a potential conflict of interest in connection with the matters now under discussion which they wanted recorded in the minutes of the meeting.

City Attorney Neal Beets explained that because potential conflicts of interest affect more than four Councilmembers (a majority of the Council) and State law requires a Council-approved redevelopment plan for downtown before the City can proceed with additional redevelopment projects in the area, it is his recommendation and opinion that all Councilmembers can and should participate in discussion and voting on the proposed new redevelopment plan (see also Item 3).

- c. Relating to signs in the Town Center. Declaring the Sign Code to be a public record.

Mayor Brown, Vice Mayor Giles, and Councilmembers Hawker, Jaffa, and Pomeroy indicated that they had a potential conflict of interest in connection with the matter now under discussion which they wanted recorded in the minutes of the meeting.

City Attorney Neal Beets explained that because potential conflicts of interest affect more than four Councilmembers (a majority of the Council) and Council approval is necessary before the City can adopt a new Sign Code, it is his recommendation and opinion that all Councilmembers can and should participate in discussion and voting on the proposed new Sign Code (see Item 9a).

- *f. Approving the execution and delivery of an amended and restated intergovernmental agreement with the State of Arizona relating to the acceleration of the roadway design, right-of-way acquisition, and roadway construction of the Red Mountain Freeway between Country Club Drive and Gilbert Road, the acceleration of the General Plan of the Red Mountain Freeway between Gilbert Road and Higley Road, the obtaining of a utility easement between McKellips Road and Gilbert Road, and the advancing of funds by the City to the State to accomplish such purposes; authorizing the taking of all other actions necessary to the consummation of the transactions contemplated by this resolution; and declaring an emergency.

Councilmember Hawker expressed concern regarding the proposed emergency clause and requested that this item be removed from the consent agenda.

Mayor Brown asked that a staff member explain at the Regular Council Meeting the purpose of the emergency clause.

9. Consider the following 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. (See Item 8c for text.)

Mayor Brown, Vice Mayor Giles, and Councilmembers Hawker, Jaffa, and Pomeroy indicated that they had a potential conflict of interest in connection with the matter now under discussion which they wanted recorded in the minutes of the meeting.

City Attorney Neal Beets explained that because potential conflicts of interest affect more than four Councilmembers (a majority of the Council) and Council approval is necessary before the City can adopt a new Sign Code, it is his recommendation and opinion that all Councilmembers can and should participate in discussion and voting on the proposed new Sign Code (see also Item 8c).

2. Hear from a representative of the U.S. Postal Service concerning the need for an additional postal service facility in East Mesa.

Russell Rainey, Real Estate Specialist, Denver Facilities Service Office (FSO), United States Postal Service, related a need for expanded postal service in East Mesa. Mr. Rainey highlighted three options available to the Postal Service: expand the existing Desert Station facility at 6644 East Broadway Road, locate a vacant facility in the preferred area (between Broadway/Baseline and Hawes/Crismon), or construct a new facility. Mr. Rainey indicated that approximately 28,000-29,000 square feet of space is needed on 3.8 acres of land.

Mr. Rainey noted difficulties associated with expanding the current facility and said that he is presently unaware of a suitable vacant facility within the preferred area. Mr. Rainey outlined anticipated procedures to solicit input/address concerns from the City and the community, stating that no decision will be made regarding options for a minimum of 15 days. Mr. Rainey spoke regarding site review, selection, and acquisition.

In response to questions from Mayor Brown and Councilmember Pomeroy, Mr. Rainey and Fred Dotson, Mesa Postmaster, indicated that the proposal represents a postal service addition (not replacement) approximately the same size as the facility located at University Drive and Lindsay Road.

Councilmember Davidson encouraged the utilization of the City's community involvement program in the siting process.

Community Development Manager Wayne Balmer reported that staff has identified four potential sites for recommendation. Mr. Rainey advised that provisions stipulate that the United States Postal Service cannot pursue the acquisition of sites, and property owners (sellers) must therefore approach the United States Postal Service.

Mr. Balmer noted that the sites are within the preferred area and that three of the four properties are currently for sale. Mr. Balmer stated that he will provide names/addresses to Mr. Rainey and Mr. Dotson.

Mayor Brown thanked Mr. Rainey and Mr. Dotson for the presentation.

3. Discuss and consider the proposed publicity pamphlet for the May 18, 1999 City election.

Assistant to the City Manager Mike Hutchinson presented background information concerning the preparation of the publicity pamphlet for the upcoming May 18, 1999 Special Election. Mr. Hutchinson requested Council input prior to submission of the pamphlet to Maricopa County, who is conducting the election. Mr. Hutchinson advised that the Rio Salado Crossing Board of Directors will additionally review the pamphlet at their meeting scheduled this date.

Councilmember Hawker expressed concern pertaining to the limited time frame for input prior to submission to the County.

Mr. Hutchinson, Finance Director Larry Woolf, and Fred Williams, Mesa's bond counsel, responded to questions from Councilmembers regarding the pamphlet.

Councilmember Hawker related comments and proposed specific revisions concerning the Rio Salado Project description in reference to the golf course replacement, the Cardinals' right-to-use for football games, first-phase development, and financing. Councilmember Hawker provided recommendations regarding the description of the use of City tax proceeds.

Councilmember Jaffa noted the significant legal ramifications associated with the pamphlet and expressed concerns about the initial development/expectations, commenting that sufficient hotel capacity within Mesa is critical. Councilmember Jaffa recommended that the document include language indicating that even if the measures are approved by the voters, Council must enter into certain contracts in order to proceed with the project. Councilmember Jaffa presented to Mr. Hutchinson written comments that he has drafted for consideration in preparing the pamphlet.

Vice Mayor Giles spoke concerning the importance of the pamphlet in presenting information to the voters. Vice Mayor Giles provided additional comments/suggestions pertaining to the description of the Rio Salado Project, including the redevelopment of Riverview Park, major convention hotel capacity/requirements, the City's financial exposure, legislative amendments, the convention center, and maintenance payments.

At the request of Councilmember Davidson, Mr. Hutchinson provided clarification regarding convention and exhibition space.

Mayor Brown expressed the opinion that Council is not prepared to vote on this issue at this time.

Mr. Hutchinson advised that the language for the publicity pamphlet will be revised based on Council's comments and presented for further review at the Study Session to be held on Monday, March 15.

(At 9:15 a.m., Councilmember Kavanaugh was excused for the remainder of the meeting.)

4. Hear a presentation from the Historical Preservation Committee.

Victor Linoff, Chairman of the Historic Preservation Committee, introduced Committeemember Charles Crismon and Ex-Officio Member Ron Peters. Mr. Linoff expressed appreciation to Council for the opportunity to present an update concerning the activities of the Committee.

Mr. Crismon and Mr. Peters noted the importance of preserving the historical, cultural, and architectural heritage unique to the City of Mesa. Mr. Crismon and Mr. Peters displayed photographs of historical buildings/sites, some of which have been refurbished, but many of which have been razed or destroyed due to various events. Mr. Crismon and Mr. Peters commented regarding the potential for adaptive reuse of facilities and commended Council for their foresight relative to preservation activities.

Mr. Linoff presented background information and provided an overview of the City's historic preservation program. Mr. Linoff spoke pertaining to surveys underway to identify historic sites within the City and the nomination process for historic preservation districts/historic landmark designation. Mr. Linoff thanked the Council and City staff for their support and advised concerning Mesa's ongoing recognition for preservation efforts.

Mayor Brown expressed appreciation to the Historical Preservation Committee for their efforts.

5. Discuss and consider recommended fees for consultant services for the Arts and Entertainment Center project.

Superintendent of Streets Keith Nath presented a brief update regarding the Arts and Entertainment Center project. Mr. Nath noted that in January, Council approved the selection of the architectural team of DWL Architects and Planners, Inc. and Boora Architects as the consultant for the Center. Mr. Nath indicated that since that time, staff has been meeting with the consultant concerning the project approach, scope of work, and fees for the consultant's services. Mr. Nath reported that a phased approach has been proposed. Mr. Nath outlined anticipated components/fees for each of the two phases.

In response to a question from Mayor Brown, City Manager Charles Luster and Mary Jo Whalen, Chairman of the Arts and Entertainment Selection Committee, advised that the Arts and Entertainment Selection Committee recommended the selection of an architectural team but has not participated in the fee negotiation process.

Mayor Brown suggested that that this item be referred back to the Arts and Entertainment Selection Committee for their review and discussion. Councilmembers present concurred with Mayor Brown.

6. Hear a report on the revised intergovernmental agreement with the Arizona Department of Transportation regarding the acceleration of construction of the Red Mountain Freeway from State Route 87 to Gilbert Road.

This item was not discussed at this time.

7. Review and consider proposed CDBG/HOME/ESG Projects (Community Development Block Grant, HOME Investment Partnership, Emergency Shelter Grant) for 1999-2000.

This item was not discussed at this time.

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

This item was not discussed at this time.

9. Discuss and consider a proposal to resurface the exterior concrete surfaces of the Mesa City Plaza Building.

Mr. Luster outlined a proposal to apply a new finish to the exterior concrete surface of the Mesa City Plaza Building. Mr. Luster indicated that samples are available for Council to view and that it would be staff's intent to include this item on the agenda for consideration at the March 15, 1999 Regular Council Meeting.

Vince DiBella, President of the Mesa Town Center Corporation (MTCC), concurred with the plan to resurface the exterior of the building.

It was moved by Councilmember Pomeroy, seconded by Councilmember Jaffa, to place this item on the agenda for consideration at the March 15, 1999 Regular Council Meeting.

Mayor Brown declared the motion carried unanimously by those present.

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

- a. Library Advisory Board meeting held March 2, 1999.
- b. Museum and Cultural Advisory Board meeting held February 26, 1999.
- c. Transportation Advisory Board meeting held February 23, 1999.

- d. Utility Committee meeting held February 16, 1999.

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

Mayor Brown declared the motion carried unanimously by those present.

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

Vice Mayor Giles and Councilmembers Hawker and Jaffa spoke briefly concerning their attendance at the conference for the National League of Cities held recently in Washington, D.C.

(At 9:58 a.m., Vice Mayor Giles was excused for the remainder of the meeting.)

12. Scheduling of meetings and general information.

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

Monday, March 15, 1999, 3 p.m. - General Development Committee Meeting

Monday, March 15, 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)

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

There were no prescheduled public opinion appearances.

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

There were no items from citizens present at this time.

15. Adjournment.

Without objection, the Study Session adjourned at 10:00 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 11th day of March 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