

# COUNCIL MINUTES

June 20, 2002

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 June 20, 2002 at 7:30 a.m.

## COUNCIL PRESENT

Mayor Hawker  
Dennis Kavanaugh  
Rex Griswold  
Kyle Jones  
Janie Thom  
Claudia Walters  
Mike Whalen

## COUNCIL ABSENT

None

## OFFICERS PRESENT

Mike Hutchinson  
Debbie Spinner  
Barbara Jones

### 1. Review items on the agenda for the June 24, 2002 Regular Council Meeting.

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

Mayor Hawker stated that agenda items 7d (One helicopter as requested by the Police Department) and 11 (Consider authorizing the City Manager to enter into an agreement with the Mesa Convention & Visitors Bureau to continue promoting tourism and convention business in Mesa) will be added to the consent agenda.

Mayor Hawker stated that agenda items 7g (Brimhall Jr. High Turf Irrigation system. City of Mesa Project No. 02-34), 9b (Authorizing the City Attorney to institute proceedings to acquire fee simple title in the name of the City of Mesa under the power of eminent domain for a vacant property at the southwest corner of Mesa Drive and Second Street for the construction of Fire Station No. 201, Engineering Project No. 01-24), 9h (Authorizing a resolution to approve the 2025 Transportation Plan), 9j (Consider adopting the Mesa 2025 General Plan and Land Use Map), and 13a (Releasing a request for proposal (including the evaluation and recommendation for a proposed partner) for the proposed emergency transportation partnership) will be removed from the consent agenda.

Mayor Hawker declared a potential conflict of interest on agenda item 7e (Power Road Improvements, Delmond to McDowell. City of Mesa Project No. 00-43) and said he would refrain from discussion/participation in this agenda item.

Councilmember Whalen declared a potential conflict of interest on agenda item 12 (Consider the proposed acquisition of property for a West Mesa Parks and Recreation Complex in the 2200 block of North Center Street) and said he would refrain from discussion/participation in this agenda item.

2. Hear an update on Mesa's participation in the Central Phoenix/East Valley Light Rail Transit Project and consider future Council action.

Assistant Development Services Manager Jeff Martin addressed the Council relative to this agenda item. He stated that it is the recommendation of staff that the City participate in the minimum operating segment of the Light Rail Transit (LRT) Project which will bring the project 1.1 miles into the City. Mr. Martin explained that the City's participation in the minimum operating segment will provide Mesa with access to the entire 20.3-mile system. He also commented on an agreement between Mesa and the City of Tempe wherein Tempe will fund the entire cost of the extension of the LRT from its community to Mesa's border.

Wulf Grote, a representative of Valley Connections, displayed graphics in the Council Chambers and provided a brief overview of the proposed route of the LRT Project. He stated that the project's preliminary engineering has been concluded and that the completion of the Environmental Impact Statement has been delayed until the end of 2002; that Arizona State University (ASU) has raised concerns with regard to the route of the LRT through its campus; that efforts are underway to implement a State Safety Oversight organization to monitor the safety elements of the LRT Project, and that the governance structure must be resolved before the Federal government will permit the final design to proceed.

Assistant Financial Services Director Larry Given addressed the Council and provided a brief analysis of the City's proposed financing of its portion of the LRT Project. He referred to the June 14, 2002 City Council Report and commented that funding would be derived from local general funds as a result of reductions in debt service from FY 2003-04 to FY 2006-07; Federal transit funds acquired from Congressional appropriations, and Federal Congestion Mitigation and Air Quality funds, which are distributed annually by the U.S. Department of Transportation to the Maricopa Association of Governments (MAG).

Assistant City Attorney II Ted Mariscal addressed the Council and briefly highlighted various substantive aspects of the *By-Laws of Valley Metro Rail, Inc.*, the agreement between the cities of Phoenix, Tempe, Glendale and Mesa to participate in the LRT Project. He explained that the City of Phoenix has a weighted vote of 50%, which means that one of the remaining three members must also support its position for the passage of any measure.

Mr. Martin noted that the formation of Valley Metro Rail, Inc. is for the purpose of performing a variety of ministerial functions relative to the design, construction, maintenance and operation of the light rail starter segment as well as extensions to the project. Mr. Martin concluded his remarks by commenting that it is the recommendation of staff that this item be placed on the agenda of the June 24, 2002 Regular Council Meeting, at which time staff will seek Council direction as to whether Mesa should participate in the LRT Project and will also seek authorization for the City Manager to execute various governance documents regarding the establishment of the LRT Project.

Discussion ensued relative to the fact that the City of Phoenix will cover approximately 66% of the cost for the regional Park N Ride facilities; that riders utilizing the light rail system will have direct access to Sky Harbor Airport; that the governance documents would commit the City to participate only in the minimum operating segment of the LRT Project and that Mesa would not be obligated to contribute to future costs for the extension of the project; that the LRT Project has received Federal funding for the design phase and that a final decision relative to Federal funding for construction is anticipated in late 2003, and that the City's share of the project's cost is estimated at \$24.9 million.

Mayor Hawker and Councilmember Whalen requested that staff take the appropriate steps to ensure that a full funding grant agreement is in place prior to the City's commitment to participate in the minimum operating segment of the LRT Project.

Councilmember Thom urged staff to evaluate alternative financing methods for the funding of Mesa's portion of the LRT.

Mayor Hawker concurred with Councilmember Thom's comments and instructed staff to consider the utilization of General Obligations Bonds as an optional funding source.

Councilmember Walters requested that Mr. Mariscal include a provision in the *Joint Powers Agreement* that would permit the City to opt out of the contract if a full funding grant agreement is not in place. She also assured Mesa residents that the extension of the light rail system into Mesa beyond the initial 1.1 miles is not an issue in the LRT Project, but that it will be addressed as a separate matter at a future time.

It was moved by Councilmember Walters, seconded by Vice Mayor Kavanaugh, that this matter be placed on the agenda of the June 24, 2002 Regular Council Meeting for Council action.

Upon tabulation of votes, it showed:

AYES - Hawker-Griswold-Jones-Kavanaugh-Walters-Whalen  
NAYS - Thom

Mayor Hawker declared the motion carried by majority vote.

Mayor Hawker thanked everyone for their input.

3. Hear a report and consider issues associated with the Crown Victoria Police vehicles.

Assistant Police Chief Greg Fowler and Police Legal Advisor Pete Thompson addressed the Council relative to this agenda item.

Chief Fowler provided brief historical background relative to the Crown Victoria vehicles. He reported that it is the only rear-wheel drive vehicle sold for police purposes; that in recent years, problems have developed with the cars catching fire and burning following high speed rear-end collisions, and that the Mesa Police Department and a variety of State agencies have worked with Ford Motor Company, the manufacturer of the vehicle, to design various modifications in an effort to mitigate this serious defect.

Chief Fowler explained that on June 12, 2002, Chandler Police Officer Robert Nielson was killed while operating a Crown Victoria Police Interceptor, but unlike the previous rear-end collisions, he died as a result of a post-collision fire involving his car which occurred as a result of a ruptured fuel tank. He noted that this incident has suggested to law enforcement officials that the Crown Victoria's gas tank is susceptible to rupturing in a variety of scenarios and not just rear-end collisions. Chief Fowler added that a possible modification to address this concern is the installation of a fuel cell bladder inside the vehicle's gas tank.

Chief Fowler discussed staff's recommendation that monies continue to be budgeted for the replacement of the Department's 117 gasoline-powered Crown Victoria vehicles with CNG-dedicated vehicles, and that in the interim, fuel tank bladders be installed in those cars at an estimated cost of \$292,500. He commented that an alternative recommendation would be to immediately order replacement vehicles for the entire fleet of gasoline-powered vehicles; however, the installation of fuel cell bladders would still be necessary in order to ensure the safe operation of those cars until the arrival of the replacement vehicles. Chief Fowler noted that this option would cost approximately \$3,636,500.

Chief Fowler informed the Council that just last evening, staff became aware of the availability of 36 CNG-dedicated Crown Victoria police cars at a local dealership for immediate purchase. He said that Council may wish to consider the immediate acquisition of the vehicles after the start of the new fiscal year as opposed to waiting until fall when such purchases traditionally occur.

Vice Mayor Kavanaugh voiced support for staff's recommendation to proceed with the installation of fuel tank bladders in the Department's existing gasoline-powered Crown Victoria vehicles and also to purchase the 36 CNG-dedicated Crown Victorias which are currently available. He also stated the opinion that because of the inherent design flaws in the vehicle, that Ford Motor Company should be required to reimburse the City for any costs associated with the installation of the fuel tank bladders.

In response to a question from Vice Mayor Kavanaugh, City Manager Mike Hutchinson clarified that staff is continuing to gather information relative to the acquisition of the 36 CNG-dedicated vehicles. He added that the Council may wish to place this item on the agenda of the June 24, 2002 Regular Council Meeting for further discussion/consideration.

Vice Mayor Kavanaugh stated that although he would support placing this item on the upcoming Regular Council Meeting agenda, he would defer making such a motion pending input from his fellow Councilmembers.

Councilmember Walters thanked staff for their efforts and hard work to address this issue in a timely manner. She also concurred with Vice Mayor Kavanaugh's comments that Ford Motor Company should be obligated to reimburse the City for the installation of the fuel tank bladders.

In response to a question from Councilmember Walters, Chief Fowler explained that the Police Department has not considered utilizing alternative police vehicles due to the fact that Ford Motor Company is the only manufacturer of full size cars offering extended-range CNG tanks.

Councilmember Whalen concurred with the other Councilmembers' comments and stated that it is imperative that the Police Department's gasoline-powered police vehicles be replaced with CNG-dedicated automobiles as soon as possible to ensure the safety of its officers.

Discussion ensued relative to CNG technology.

Mayor Hawker stated that it is the consensus of the Council that the issue of the installation of fuel tank bladders on the City's gasoline-powered vehicles and also the purchase of 36 CNG-dedicated vehicles be placed on the agenda of the June 24, 2002 Regular Council Meeting.

On a separate note, Councilmember Griswold commended the Police Department for its Aviation Unit.

4. Hear, discuss and consider the Economic Development Strategy Master Plan.

Economic Development Director Dick Mulligan and Dave Wilcox, a representative of Economic Research Associates, the consulting firm that assisted with the Economic Development Strategy Master Plan, addressed the Council relative to this agenda item.

Mr. Wilcox displayed graphics in the Council Chambers and provided a brief overview of the vision, key messages and strategies of Mesa's Economic Development Strategy Master Plan. He also outlined a series of recommendations regarding organization and management for economic development.

City Manager Mike Hutchinson requested input from the Council as to whether they prefer to adopt the Economic Development Strategy Master Plan today or place it on the agenda of a future City Council meeting.

In response to a question from Councilmember Walters, Mr. Hutchinson clarified that although the Plan does contain various financial recommendations, Council's approval of the Plan does not include the expenditure of any funds at this time. He explained that those issues will be determined on a case-by-case basis within the context of the City's budget.

It was moved by Councilmember Griswold, seconded by Councilmember Whalen, that the Council accept and acknowledge the Economic Development Strategy Master Plan which outlines the potential strategy for the City of Mesa.

Carried unanimously.

Mayor Hawker thanked everyone for the presentation.

5. Discuss and consider activities of the Civil Hearing Office and review the current process, procedures and civil penalties.

Due to time constraints, this item was continued to a future Study Session.

6. Hear an update and consider issues associated with the proposed site for the Multipurpose Facility.

Councilmember Whalen provided the Council with a brief update relative to the ongoing negotiations between the City, the Hurley family and the Tourism and Sports Authority (TSA).

Mayor Hawker requested that staff schedule a Council meeting prior to June 26, 2002, the final day the City can request that the Maricopa County Elections Division cancel Mesa's September 10, 2002 Special Election. He stated that the possible cancellation is dependent upon the TSA's decision to retain the City of Mesa as its choice for the proposed multipurpose facility.

7. Acknowledge receipt of minutes of boards and committees.

- a. Design Review Board Meeting held June 5, 2002.
- b. Downtown Development Committee Special Meeting held May 30, 2002.
- c. Economic Development Advisory Board Meeting held May 7, 2002.
- d. Joint meeting of the Transportation Advisory Board Joint Master Planning Committee – Transportation Subcommittee held May 21, 2002.
- e. Transportation Advisory Board Meeting held May 21, 2002.
- f. Transportation Committee Meeting held June 6, 2002.

It was moved by Vice Mayor Kavanaugh, seconded by Councilmember Walters, that receipt of the above-listed minutes be acknowledged.

Carried unanimously.

8. Election issues.

Due to time constraints, this item was continued to a future Study Session.

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

Due to time constraints, this item was continued to a future Study Session.

10. Scheduling of meetings and general information.

City Manager Mike Hutchinson stated that the meeting schedule is as follows:

Monday, June 24, 2002, TBA – Study Session

Monday, June 24, 2002, 5:45 p.m. – Regular Council Meeting

Wednesday, June 26, 2002, 8:00 a.m. – Council Tour & Briefing of Communications Division

Thursday, June 27, 2002, 7:30 a.m. – Study Session

Monday, July 1, 2002, 3:00 p.m. – Police Committee Meeting

Monday, July 1, 2002, TBA – Study Session

Monday, July 1, 2002, 5:45 p.m. – Regular Council Meeting

Mayor Hawker said he would not be able to attend the July 1, 2002 Study Session and Regular Council Meeting and requested that Vice Mayor Kavanaugh preside over the meetings in his absence.

11. Prescheduled public opinion appearances.

There were no prescheduled public opinion appearances.

12. Items from citizens present.

There were no items from citizens present.

13. Adjournment.

Without objection, the Study Session adjourned at 9:28 a.m.

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KENO HAWKER, MAYOR

ATTEST:

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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 20<sup>th</sup> day of June 2002. I further certify that the meeting was duly called and held and that a quorum was present.

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BARBARA JONES, CITY CLERK

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