

COUNCIL MINUTES

January 31, 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 January 31, 2002 at 7:30 a.m.

COUNCIL PRESENT

Mayor Hawker
Jim Davidson
Bill Jaffa
Dennis Kavanaugh
Pat Pomeroy
Claudia Walters
Mike Whalen

COUNCIL ABSENT

None

OFFICERS PRESENT

Mike Hutchinson
Debbie Spinner
Barbara Jones

1. Review items on the Agenda of the February 4, 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 declared potential conflicts of interest on agenda items 4d (Stapley Drive Median Modification, Project No. 02-027) and 4e (Utility location and potholing by vacuum extraction, Project No. 02-085).

2. Hear an update on the Pinal County water farms.

Real Estate Services Director Doug Tessendorf presented an overview and brief history of the City's involvement with the Pinal County water farms. He noted that in 1985, the City of Mesa purchased 11,606 acres of agricultural land in Pinal County for the purpose of using it as a "water farm," with the goal of using the water and water rights associated with these farms as part of the City's water portfolio. When needed, the farms can provide an estimated 25,000-acre feet of ground water per year, or about 14% of Mesa's water portfolio at build-out.

Discussion ensued relative to the fact that the original purchase consisted of 13 farms that lie within an overall area approximately 12 miles long by 10 miles wide; the fact that the farms are located on both sides of State Route 287/87 and stretch between the cities of Coolidge to the North and Eloy to the South; the fact that the major reasons for choosing this area was and remains the quality of the groundwater, location of the aquifers, and the close proximity to the Central Arizona Project (CAP) Canal; the fact that currently 15 farmers lease the City's land; summer and winter crops that are grown, and the fact that irrigation water for the crops is

supplied to the farms through two irrigation districts (HoHoKam Irrigation District and Central Arizona Irrigation and Drainage District).

Mr. Tessendorf commented on land planning and development issues and noted that in order to achieve the City's long-term objective of using the water for domestic purposes within the City, the water will eventually need to be converted from the current "grandfathered" irrigation water right to a Type 1 non-irrigation right. In doing this, the City will need to retire the Pinal County farms from agricultural use. Mr. Tessendorf said that in the meantime, the challenge is to attract non-agricultural land uses that will generate future revenues after the farms are retired and explained that although the land is used almost entirely for farming, there are several other noteworthy developments which include:

- Desert Botanical Gardens
- Sunbelt Refinery
- Rail/Industrial Park
- Conservation

Mr. Tessendorf also discussed revenues and expenses and noted that the City's lease rates are influenced by several factors, including federal farming programs, previous years' crop yields and the historic "base acres" assigned to the land. Although the City's farmlands are in excellent condition and demand some of the highest lease rates in the area, Federal crop subsidy programs are constantly changing and there are always concerns as to how much longer farming will continue in the Coolidge/Eloy area. The City's lease income for 2002 is \$532,118.00.

Mr. Tessendorf explained that there are four basic areas in which the City incurs expenses related to the farms: bond debt, payments, taxes, well repairs and long-term conservation improvements.

Additional discussion ensued relative to variable rate bonds issued through the Municipal Development Corporation to purchase the farms, average interest rates, the fact that in December the bonds were refinanced through the issuance of fix rate bonds with an average interest rate of 4.03%, and the fact that the current value of the farms, if sold as farms, ranges from \$2500 to \$3000 per acre, or roughly \$29,000,000 to \$35,000,000.

Mr. Tessendorf stated that when the farms were purchased in 1985, the City of Mesa committed to being a "good neighbor" and agreed to pay "in-lieu" property taxes to Pinal County in the same manner as does any other landowner. Subsequent legislation now requires Mesa to pay the "in-lieu" taxes. The City's 2001 property taxes to Pinal County were \$388,934.72. Of that amount, \$256,715.58 was in the form of assessments that went to support the two irrigation districts that serve the farms and the remaining amount is for the typical county, school and library taxing districts.

Discussion ensued relative to the fact that Mesa shares in 50% of the repair costs for the 10 irrigation wells located in the HoHoKam Irrigation District, which equates to approximately \$10,000 a year, the fact that the farmers take care of routine maintenance on the wells, USDA participation in the cost of long-term improvements such as laser leveling, constructing new concrete irrigation ditches and installing sub-surface drip irrigation systems, and the fact that

plans to expand the Picacho Reservoir have failed to materialize because of a lack of assurance that high-quality water would be available.

Councilmember Whalen said that he has heard there is a large non-success rate on reclaiming farm lands and expressed concerns regarding this issue. He also requested that staff provide information relative to pumping rates on an annual basis and the amount of ground water versus pump water that is being used. Councilmember Whalen also asked staff when the City will retire from pumping ground water and Mr. Tessendorf said that staff will research the answers to his questions and provide him with that information.

In response to a question from Councilmember Walters, Utilities Director Dave Plumb explained that as the land is "retired" from farming, it will become municipal or industrial use and will be served by the Arizona Water Company with other resources, particularly available CAP water, and the City will then be able to take the groundwater and probably "trade it" with Tucson by bringing CAP water up here and putting additional water into the canal.

Councilmember Walters stated that she has concerns regarding the depletion of farmland throughout the entire country, taking land that is supplying food and meeting clothing needs with crops such as cotton, and turning the land into housing. Mr. Hutchinson commented that a variety of options will be available over the next few years, including perhaps an opportunity to conserve farming properties, and indicated that all opportunities will be presented to the City Council.

Councilmember Kavanaugh said that participating in the water farms was an excellent decision and assures the City that an adequate, secured water supply, key to the needs of the City, will be available at buildout. He added that the project will have many beneficial impacts for everyone involved.

Councilmember Jaffa stated that he appreciates the attention that has been given to the water issue. He commented on the real estate taxes that are paid on the property, which are more than 80% of the expenses that have been incurred since the purchase. He noted that originally legislation did not require the City to pay real estate taxes but the City opted to pay "in lieu" taxes. Councilmember Jaffa said that he appreciates all of the comments he has heard regarding the importance of maintaining "good will." He commented that there are companies in Mesa that do not pay "in lieu" taxes but could (because a real estate tax is not in place) and said that he hopes discussions could continue regarding this issue. Councilmember Jaffa stated that he has repeatedly brought up the issue of "in lieu" taxes as a revenue stream. He added that he would like the Council to revisit this option.

Vice Mayor Davidson requested that staff provide him with data relative to the "in lieu" taxes on the part of the utility companies and noted that the taxes are significant and foster goodwill. He added that long before the Legislature required "in lieu" taxes, many companies felt it necessary to pay these taxes even though they were not required. He asked staff to provide him with a list of all the companies that are paying those taxes and to note which ones are required to pay actual taxes.

Additional discussion ensued relative to environmental assessments, staff's opinion that the farms are operating as clean operations and their intent to continue to monitor this issue.

Mayor Hawker thanked staff for the update on this agenda item.

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

- a. Discuss and consider authorizing the City to spend up to \$50,000 for geotechnical, environmental, traffic, parking and other related planning studies needed to prepare the proposal for submittal to the Arizona Tourism and Sports Authority for the Multipurpose Facility.

City Manager Mike Hutchinson stated that although it appears the costs to proceed with the necessary studies will be somewhat less expensive than originally thought, staff is still requesting that if the Council wants to move ahead with this project, that staff be authorized to spend up to \$50,000 on various items related to the application. He noted that staff is estimating that expense costs associated with the site/facility will be approximately \$500,000 a year. Mr. Hutchinson said that discussions with the Tourism and Sports Authority should take place regarding cost sharing to cover the expenses. Mr. Hutchinson also commented on the Memorandum of Understanding and said that he had a fairly productive discussion with representatives of the Arizona Cardinals on Tuesday afternoon. He said that their lead person will be back in Phoenix next week and the City has indicated its willingness and desire to meet with him. Mr. Hutchinson stated that the Cardinals want land they can develop fairly quickly in order to begin receiving a return and stated the opinion that although there is no way to know what direction this issue will go in, he believes that the City should move forward one way or another with the expenditure. He discussed conversations that took place with representatives of the Mesa Convention & Visitor's Bureau about the possibility of using a portion of the bed tax that is paid by out of town visitors to the City to cover part of the \$50,000 cost. Mr. Hutchinson said that Robert Brinton, the Executive Director of that organization, is present to discuss that matter and has indicated the organization's willingness to pay half of the expense cost, for a total of \$25,000.00. He added that in order for the project to move forward and become a success, various partners will have to step forward and work with the City on the stadium proposal.

In response to a question from the Mayor regarding the large funding gap that exists, Mr. Hutchinson stated that although staff is not sure whether the funding gap can be bridged, he does believe that it is in the best interest of the City to move forward and pursue this matter. Mayor Hawker commented that instead of the \$21 million figures that was previously discussed, it appears that the figure is now \$30 million over the life of the project. He added that the goal then would be to enter into negotiations with the Cardinal's organization or the TSA in an effort to get one or both to agree to pay a portion of the annual costs.

City Engineer Keith Nath responded to a question from the Mayor regarding borings that have occurred at the wastewater treatment plant and explained that with a project as big as the multipurpose stadium, the people soliciting the information want exact data that is directly related to the exact location of the proposed stadium and are not willing to settle for data from borings that were done "near" the site.

Mayor Hawker stated the opinion that the City should forward the information that has been generated as a result of test borings on the adjacent sites and submit that information along with

the City's proposal. He added the opinion that this would allow discussion to occur relative to bridging the gap between the \$21million and \$30 million figure.

Mr. Nath commented that the TSA wants a preliminary traffic analysis performed and said that City staff was able to negotiate with the consultant and reduced the cost of the analysis from \$10,000 to \$4,800. He added that staff is attempting to have the minimal amount of work done while at the same time complying with the requirements set forth by the TSA.

Mr. Robert Brinton, representing the Mesa Convention & Visitor's Bureau, stated that his organization is willing to partner with the City of Mesa and fund \$25,000 of the costs necessary to proceed with exploring the possibility of constructing the site within the City of Mesa. He said that no stipulations have been placed on the use of those funds, the organization only wants to partner with the City, move the issue forward and remain active in the process.

Mayor Hawker asked if it is determined that the City can move forward by submitting at this time the information that is available from the wastewater treatment plant and not spend the additional money to perform test borings at the actual site, could the monies being donated by the Mesa Convention & Visitor's Bureau be used to do all of the study preparation. Mr. Brinton reiterated that the Bureau has committed the funds for the purpose of doing whatever needs to be done.

Mayor Hawker asked Mr. Brinton if the City is able to scale down and just commit to a \$25,000 study, could the Bureau's \$25,000 be used for that purpose. Mr. Brinton indicated that although the Bureau would prefer a partnership "match," the monies may be used by the City for whatever purpose it deems appropriate.

Discussion ensued relative to staff's opinion that the test borings at the site is the number one priority and will be the basis upon which the TSA decides whether the project moves forward at all, the fact that traffic studies and other information such as site plans, are secondary to the test borings, and the fact that appraisals on the ASU property and the Hurley property also need to go forward.

In response to a request for clarification from Councilmember Walters, Mr. Hutchinson stated that the actual site has been identified but the issue of moving the parking around and the possibility of not eliminating the golf course is being discussed. Councilmember Walters said she would support allowing the golf course to remain in its current location.

Councilmember Jaffa thanked Mr. Hutchinson and members of staff for their efforts and said that he also appreciates the Mayor's comments on the importance of continuing to challenge the Tourism & Sports Authority to use available information and not duplicate efforts. He stressed the importance of continuing to participate and remain in the process and commented that significant monies have been committed to the light rail issue. He added that the stadium project is equally important in the economic arena. He also expressed appreciation to Mr. Brinton and the members of the Mesa Convention & Visitor's Bureau for helping the City in its efforts to continue to pursue this process.

Councilmember Kavanaugh said that he is willing to move forward on this issue for the following three reasons: 1) the Convention & Visitor's Bureau partnership proposal and willingness to fund \$25,000 of the costs; 2) Council and staff have had an opportunity to review the very

complex Memorandum of Understanding (and although he does not agree with all of their choices/decisions, it does offer a template of the kinds of things that the community and a developer can think about in terms of ensuring that there is adequate money to build the infrastructure and achieve fair revenue sharing); and 3) the Hurley property is the most valuable piece of property in the community and all of the information that is being generated will be useful if not now then at some time in the future when that parcel is developed. He added that the information that is gathered will also help the owners of the Hurley property to determine the value of their land in the open market. He said he supports authorizing funds to continue with the studies and remain in the process.

Mayor Hawker asked for clarification and Councilmember Kavanaugh said that he supports accepting the \$25,000 match from the Mesa Convention & Visitor's Bureau.

Vice Mayor Davidson commented that potential liabilities as well as opportunities exist and said he believes that the City should remain in the game. He agreed with Councilmember Kavanaugh's comment that the information will be valuable and useful for future economic development. He added that he does not believe that the City should present adjacent site data to the Tourism & Sports Authority as part of the submittal process and said that one acre of land can differ greatly from the next. He stressed the importance of obtaining site specific data and said he supports proceeding with the process.

Councilmember Pomeroy said that he is very familiar with the tight budget constraints that the Mesa Convention & Visitor's Bureau is operating under at the current time and therefore, the organization's offer to make available \$25,000 for this purpose indicates that the Bureau is extremely interested in having this facility located within the City of Mesa. He commented on the fact that many people agree that Mesa's site would be the best one for the stadium and added that should the Mesa site be selected, it would make the City of Mesa a destination point. He also discussed the importance of forming partnerships in order to accomplish the huge tasks that will have to be met and said he believes that the City should proceed at this time. Councilmember Pomeroy stated the opinion that it is extremely important that the City of Mesa match the \$25,000 amount being offered by the Bureau.

Councilmember Whalen commended Mr. Hutchinson on his efforts and also thanked Mr. Brinton and the members of the Mesa Convention & Visitor's Bureau for their generous funding offer. He said that he views a conversation that the Council had last week with representatives of the Arizona Cardinals as a very positive one and added that the group indicated that they are very interested in Mesa's location. He commented on the great potential that exists, including the formation of a partnership with the Salt River Pima Maricopa Indian Community relative to the site. Councilmember Whalen stated the opinion that the City of Mesa has an extremely viable site and said it would be a terrible shame not to proceed at this time.

MOVED BY COUNCILMEMBER WHALEN, seconded by COUNCILMEMBER POMEROY, that an allocation of up to (but not to exceed) \$25,000 to match the \$25,000 contribution from the Mesa Convention & Visitor's Bureau, to cover the costs associated with conducting the required environmental studies, as outlined in the City Council Report, be approved.

Councilmember Walters said that she is very impressed with the meaningful gesture on the part of the Mesa Convention & Visitor's Bureau to spend \$25,000 to get the stadium in the East Valley and added that she believes it is extremely important that the City move forward and try

to close the funding gap. She added that the soil and environmental testings that are performed at the Mesa site should be done by the same contractor who performed testings for the other sites. Councilmember Walters expressed the opinion that costs can still be lowered and asked staff to work towards reducing these expenses. She said that she will support proceeding, but her vote is to “spend up to \$50,000” and does not mean it all has to be spent. She stated that down the road, should the City of Mesa site be selected, traffic management studies can be conducted. She added that she would like to see this come in using the Bureau’s \$25,000 and \$10,000 in City funds.

Mayor Hawker reiterated that he would like to submit the information that is already available and emphasized that he is in favor of the proposal but is not in favor of spending more money to create a proposal when so many “unknowns” still exist. He said that if the Authority will accept a partial submittal (that the City can enhance both before and after the deadline date) he would be in favor of that. He added that he does not want to withdraw from the process but neither does he want to spend money until he knows that a possibility exists to eliminate the funding gap that has been identified. The Mayor added that he appreciates Tempe’s willingness to share the Memorandum of Understanding with the City of Mesa and he has read the document which is difficult to analyze because the circumstances are very different. He said that based on his review, a substantial amount of money was spent by that City in an effort to reach an agreement and added that expenses and revenues did not balance. He commented that the Authority is seeking political support from the Council of the various jurisdictions submitting site proposals and said that although he will be casting a nay vote for the motion currently on the floor, the project will have his support if all of the details and figures can be worked out. He reiterated that the project will not have his support unless and until he knows how the process will play out. Mayor Hawker added the opinion that a partial submission will not put the City of Mesa out of the game and said that two to three weeks more time is needed to gather additional information. He clarified that he supports the proposal but does not support to spending taxpayers’ money before it is determined that the funding gap can be bridged.

Mayor Hawker called for the vote but said he will accept responses if anyone has anything further to state.

Councilmember Jaffa again commented on the huge sums of monies that have been spent on studies for light rail proposals and on the downtown area without any guarantees and said he believes it is crucial that this project moves forward as well.

Vice Mayor Davidson stated the opinion that the City is seeking partners and should help this partnership by agreeing to fund \$25,000 and utilizing “up to \$25,000” in Bureau funds. He said that in this way, the Bureau, rather than the City, has more leeway. Vice Mayor Davidson added that the City of Mesa is seeking partners and therefore should give as much leeway as possible to the generous partners who step forward.

Councilmember Pomeroy agreed that the City of Mesa should be in a “sharing position” with the Bureau and stated the opinion that it would not be fair to utilize the Bureau’s \$25,000 and only spend \$5,000 or more in City funds.

Mayor Hawker asked if there were any speakers present wishing to comment on this agenda item.

Sheila Minton, a resident of West Mesa, stated that her neighborhood is a high crime area and monies are needed to fund projects such as lighting in an effort to deter crime. Ms. Minton discussed her unsuccessful efforts to secure lighting for the neighborhood and asked the Council for its assistance in this matter. Ms. Minton also invited the members of the Council and the City Manager to visit her West Mesa neighborhood and witness firsthand what she is talking about.

Mayor Hawker thanked Ms. Minton for her comments and City Manger Mike Hutchinson said that he would meet with Ms. Minton to discuss her concerns.

MOTION CARRIED BY MAJORITY VOTE (6 TO 1) with Mayor Hawker voting Nay.

4. Discuss and consider issues associated with the display of campaign related materials/items at City Council or City Advisory Board meetings.

City Attorney Debbie Spinner addressed the Council and stated that buttons, t-shirts and campaign pins all fall under the category of "free speech" but added that the Council also has the right to set procedures dictating the manner in which Council Meetings will be conducted. She stated that there are two issues to be addressed, election paraphernalia worn by candidates and their supporters and election paraphernalia worn by citizens in support of or opposition to ballot issues. She indicated her intention to discuss candidates first, both those seeking re-election and those who are running for the first time.

Ms. Spinner referred to the pertinent section of the City's Ethics Code which stated that "elected officials, advisory board members and candidates shall not engage in political campaigning at City meetings or buildings" and stated the opinion that candidates wearing buttons, t-shirts and/or other campaign materials, should be advised not to wear such materials when planning to attend Council meetings. She said that should candidates show up at Council meetings wearing such paraphernalia, her recommendation would be that they be allowed to remain in the Council Chambers. She added that whether or not the Council allows the candidates to speak at the meeting is a decision that the Mayor and the Council will have to make but her advice would be that they are asked not to speak and told that they could present their remarks at the next Council meeting (not wearing the election paraphernalia). Ms. Spinner commented that placing the candidates on television enhances the campaigning effect of items such as t-shirts and campaign buttons.

Ms. Spinner also addressed the issue of distributing flyers at Council meetings and again stated that this is considered "political speech" and is protected. She added, however, that the Council has the authority to determine the manner in which Council meetings are conducted. She stated the opinion that passing out flyers during Council meetings would be disruptive to the Council and they have the authority to request that the flyers not be passed at during those meetings. She added that the flyers could be passed out outside of the Council Chambers. Ms. Spinner added that the same thing would apply to people wanting to wear buttons, t-shirts or hats addressing specific candidates. That type of political speech can be expressed outside of the Council Chambers. She stressed that the Council would not be denying political speech but rather would be limiting the place, time and manner in which the political speech is permitted.

In response to a question from the Mayor relative to televised debates, Ms. Spinner expressed the opinion that political speech, such as debates, are allowed as long as everyone is given equal access to appear at the debate. In addition, as long as the people paying for the facility/staff are paying the same rates as anyone else who would avail themselves of the facility would be required to pay, this too is allowable and appropriate.

Mayor Hawker clarified that if someone wearing a campaign button wants to come forward and present remarks on camera, even if the remarks are unrelated to an election and/or ballot issue, the Council has the authority to determine whether to allow that person to speak. He said it is his understanding that the City Attorney is recommending that the speakers not be allowed to present their remarks while wearing the election-related paraphernalia. Ms. Spinner reiterated the above listed section from the Ethics Code & Handbook and said that based upon that statement, she believes that it would be inappropriate to allow the candidates to speak wearing political campaign/related items. She added that the section goes on to state "Candidates or supporters of the candidates shall refrain from circulating petitions during a City meeting."

Mayor Hawker said it is his understanding then that supporters of a candidates could come forward and speak wearing election-related buttons but once candidates file nomination paperwork, they should not be allowed to address the Council on television wearing any identifiable election materials. Ms. Spinner said that she would recommend that candidates and supporters be treated in a similar manner because the Ethics Code & Handbook, in subsequent chapters, treats both candidates and supporters as one with regard to campaigning at City Council meetings. She emphasized that the overall intent is to prevent City facilities from being used for purposes of campaigning.

Mayor Hawker asked what would happen in cases where citizens in the audience hold up signs in support of or opposition to issues. Ms. Spinner stated that this too is political speech and protected, however, the question is "is this type of activity disruptive?" She added that this issue, as it pertains to propositions, is not addressed in the Ethics Code but stated the opinion that wearing campaign buttons at Council meetings would probably not be disruptive to the Council meeting. Ms. Spinner said that the Council will have to decide whether to allow someone either supporting or opposing a specific proposition who is wearing a campaign item, to address the Council at a televised meeting. She said that this may be viewed as utilizing City facilities for the purpose of influencing the election. Ms. Spinner said that her recommendation would be that citizens who simply want to remain in the Council Chambers and listen to the meeting be allowed to wear their t-shirts or buttons in support of or in opposition to a proposition during the meeting. She added, however, that should those citizens wish to come forward and speak wearing the T-shirts or buttons, that action may be considered campaigning for purposes of influencing an election. She recommended that the citizens be allowed to come into the Council Chambers wearing items that express their political views, but that they not be allowed to speak wearing those items.

In response to a request for input from the Mayor, Councilmember Kavanaugh, who was instrumental in the development of the Ethics Code & Handbook, stated that Ms. Spinner has accurately represented the thoughts that went into drafting the Code. He added that the Code was designed to address the personal behavior of Boardmembers, Councilmembers, and candidates on City property and not to hamper free speech for people within the community. He stated that concerns had been raised regarding using City facilities to provide an unfair

advantage to candidates for campaign purposes and agreed that there should be a distinction drawn between propositions and candidates. Councilmember Kavanaugh agreed that the issue represents a balancing question, running the Council meeting in an orderly manner versus peoples' rights to express themselves. He noted that many citizens attend Council meetings wearing t-shirts and buttons to express their views on various zoning cases and ordinances and said this is known as exercising free speech. He added that it is up to the person presiding over the meetings to control the orderliness of the discussion and noted that the Council made changes to an ordinance a few years ago to enhance the Mayor's ability to run Council meetings in an orderly manner. He stated the opinion that the changes have proven to be both appropriate and necessary.

In response to a question from the Mayor relative to the process that would be followed if a speaker approaches the microphone to present remarks and is wearing a campaign t-shirt or button, Councilmember Kavanaugh stated that brief language could be added to the information sheet that is provided to citizens who wish to speak at Council meetings and added that a short summary of what is and is not appropriate would be all that is needed.

Mayor Hawker asked Ms. Spinner to prepare some brief remarks on this issue that he could state at the beginning of the meeting during the Mayor's Welcome. He said that this would be beneficial, at least through the end of the election cycle.

Councilmember Whalen asked if a candidate stands up to speak on an issue, is it improper for he/she to identify him/herself as a candidate or a leader of a group in opposition to a certain ballot proposition. Ms. Spinner stated the opinion that it would be inappropriate for a candidate to say, "Hi, my name is so and so and I am a candidate for City Council District" because that is campaigning. She added that candidates may address the Council and provide views on issues but should refrain from introducing him/herself as a candidate in the upcoming elections. Councilmember Whalen requested that brief comments relative to this issue also be included in the language to be developed by the City Attorney.

Councilmember Walters said that it is her understanding from the discussion that has just occurred that candidates and their supporters may wear t-shirts or other election-related items to the meetings and remain in the Council Chambers but would be asked not to speak and to present any remarks at a subsequent meeting when they could appear without wearing those items. Ms. Spinner said that she meant to state that the candidates and their supporters should not even be allowed in the Council Chambers wearing those items and expressed the opinion that discussion on issues by candidates and their supporters wearing election-related materials should only take place outside of the Council Chambers.

Councilmember Walters expressed concern regarding the City Attorney's opinion that candidates and/or supporters of candidates wearing t-shirts, candidate pins, etc. should not be allowed to remain in the Council Chambers and asked Councilmember Kavanaugh if this was the intent of the Ethics Code.

Councilmember Kavanaugh stated the opinion that the intent was to focus more on the candidates and discussion had not occurred among the members of the Ethics Committee as to the behavior of the supporters of the candidates at Council meetings.

In response to a question from Councilmember Walters, Councilmember Kavanaugh stated that rather than clarify the language in the Ethics Code, issues such as these can be discussed and clarified during all future election processes.

Ms. Spinner said candidates only can be addressed in the statement she is going to prepare if that is the direction of the Council.

Councilmember Walters stated the opinion that a different situation exists for citizens who come to the meetings and intend to remain part of the audience. Mayor Hawker also expressed concern regarding prohibiting supporters of candidates from entering the Council Chambers and sitting in the audience if they are wearing election paraphernalia.

Mayor Hawker said he would prefer that the language state once someone files as a candidate to run for office in City of Mesa elections, they should behave in the same manner as incumbent Councilmembers and should not wear t-shirts, hats, buttons or any other form of campaign-related items to the Council meetings.

Vice Mayor Davidson stated the opinion that the proposed policy discriminates against someone because of what they wear and said that even preventing someone from wearing a t-shirt and coming up to the microphone to speak is wrong. He added that he might be missing some point and is not an expert on the Constitution and therefore would prefer not to vote on this until he has had the opportunity to gain a better understanding of the impacts of the proposed policy.

Mayor Hawker said that he would like the City Attorney to prepare the language that would be stated during the Mayor's Welcome at the beginning of the Council meetings so that the Council can review the proposed policy on Monday prior the Regular Council Meeting. He suggested that the language state that if you are a candidate or supporter of a candidate and you are wearing buttons or t-shirts identifying that candidate, that you are to change your attire before you address the City Council and speak on live television. If you are in favor of or opposed to a proposition, then you have additional latitude and you don't have to abide by the same rules.

Vice Mayor Davidson said that he is not sure he fully understands all of the implications and is not prepared to vote on this item at this time.

Mayor Hawker stated that his suggestion would be that the Council not vote on the issue at this time and rather move in the direction of coming back with a statement so the ground rules can be identified for participation at the City Council meetings.

Ms. Spinner asked if it would be helpful if she provided something in writing along with the legal analysis and Vice Mayor Davidson said that this would be helpful and thanked her for her assistance.

In response to a question from Planning Director Frank Mizner as to whether the same rules would apply to Planning and Zoning Board meetings which are televised and often attended by candidates, she stated that the rules would definitely apply to citizen advisory boards and committees. Mr. Mizner said that it would then be appropriate for the Chairman of the meeting to read at the beginning of the meetings whatever language is finally agreed upon by the members of the Council.

Councilmember Walters commented on the fact that all the candidates at this point are known and suggested that as a matter of courtesy Staff contact those candidates and let them know what is occurring so that the process does not appear punitive to them. She added that prior notification of the proposed changes would be appropriate.

Mayor Hawker said they will discuss this issue further at the Study Session prior to the Regular Council meeting and agreed that in the interim, the candidates should be made aware of the fact that the City Attorney is developing a policy for Council review.

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

Councilmember Kavanaugh discussed his recent attendance at a Shots for Tots Event and spoke in support of the partnership that exists between the Mesa Fire Department, the Maricopa County Health Department and the Mesa Rotary Club. He noted that over the last seven years, thousands and thousands of school children in the community have received vaccinations as a result of the volunteer efforts of this partnership and he commended everyone involved for their efforts.

Councilmember Walters said that yesterday she had the opportunity to join the Chill Group at the State Capitol on Neighborhood Day and advised that the City's Neighborhood Services Department did an excellent job and Mesa was wonderfully represented by neighborhood leaders. Councilmember Walters thanked Cindy Heard for all her hard work and also thanked Representative Russell Pearce who took a tremendous amount of time out of a very busy day to speak with the neighborhood leaders. She stated that Representative Pearce did an excellent job of explaining the way legislation moves and answered a lot of questions.

Vice Mayor Davidson stated that he attended a public transportation meeting on improvements to Thomas Road between Higley and Recker Roads. He said that the meeting was well-attended and very vocal and thanked Ron Krosting and Lt. Fargo for their efforts in this regard.

Mayor Hawker said that he had the opportunity to go to Luke Air Force and attend a MAG Regional Air Space Committee meeting along with the Mayor of Glendale. He stated that it was a good opportunity to become familiar with air space requirements and impacts as well as the importance of the Goldwater Training Facility and the routes that are used to access that facility.

The Mayor said that he also attended a MAG Regional Council meeting and much of the discussion had to do with governance and how MAG will be restructured with their Executive Committee.

Mayor Hawker also discussed his attendance at a meeting/luncheon at Empire Machinery and commended the company on their great contributions to the City of Mesa.

Councilmember Jaffa said that he was not aware of the meeting discussed by Vice Mayor Davidson and asked Mr. Hutchinson to verbally review meetings such as that one when he verbally outlines the various Council and Council Committee meetings at Study Sessions. Vice Mayor Davidson commented that notification was also received from staff on e-mail but agreed that verbal reminders would probably be helpful.

6. Scheduling of meetings and general information.

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

Monday, February 4, 2002 – TBA – Study Session

Monday, February 4, 2002 – 5:45 p.m. – Regular Council Meeting

Wednesday, February 13, 2002 – 3:30 p.m. – Transportation Committee Meeting

Thursday, February 14, 2002 – 7:30 a.m. – Study Session

Tuesday, February 19, 2002 – Study Session & Regular Council Meeting

(The February 12th dinner with the Town of Queen Creek has been postponed and will be rescheduled.)

Tuesday, March 26, 2002, 6:00 p.m., Joint Meeting with the Chandler City Council. (Mayor Hawker indicated he had a conflict with this date and Mr. Hutchinson said he will reschedule and report on the new time.)

Councilmember Walters requested that staff present an update to the Council on the Legislative and Congressional Districts once they are finalized. She commented on the importance of educating citizens on who their representatives are. Mr. Hutchinson said that the districts are still being reviewed by the Department of Justice but added that as soon as they are approved, staff will schedule a presentation.

7. Prescheduled public opinion appearances.

There were no prescheduled public opinion appearances.

8. Items from citizens present.

There were no items from citizens present.

9. Adjournment.

Without objection, the Study Session adjourned at 9:33 a.m.

KENO HAWKER, 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 31st day of January 2002. I further certify that the meeting was duly called and held and that a quorum was present.

BARBARA JONES, CITY CLERK

lgc