

COUNCIL MINUTES

February 23, 1996

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 23, 1996 at 7:31 A.M.

COUNCIL PRESENT

Mayor Willie Wong
Jerry Boyd
Pat Gilbert
T. Farrell Jensen
Dale Johnson
Joan Payne
Jim Stapley

COUNCIL ABSENT

None

STAFF PRESENT

C.K. Luster
Wayne Balmer
Neal Beets
Fred Conway
Linda Crocker
G.T. Fowler
John Gendron
Shawn Hineman
Mike Hutchinson
Lars Jarvie
Barbara Jones
Sharon Joyce
Ron Krosting
Jeff Martin
Tom Mattingly
Frank Mizner
Keith Nath
John Oliver
Bill Petrie
Ross Renner
Doug Tessoroff
Mindy White
Ralph Wisz
Others

OTHERS PRESENT

Keith Crandall
Ed Field
David Molina
Irene Pine
Others

1. Discuss and consider the hearing procedures associated with civil citations issued for nuisance violations.

Assistant City Manager Mike Hutchinson referred to a copy of the civil citation policy currently in effect in the City of Mesa. Mr. Hutchinson advised that a local citizen, Mr. Keith Crandall, was present and wished to address the Council relative to this issue.

Mr. Crandall informed the Council that he was recently issued a civil citation by City of Mesa enforcement personnel. Mr. Crandall advised that citizens who accept responsibility for infractions are required to pay a \$50 fine within ten days from the date of the citation or by the date specified on the citation either in person or by mail to the Civil Hearing Office. Mr. Crandall added that citizens who avail themselves of the appeal process, and present their cases to Hearing Officers for a determination, are fined a minimum of \$100 if it is determined that the citation was justified. Mr. Crandall stated that if the appeal hearing results in a determination that the citation was erroneously issued, a fine is not assessed.

Mr. Crandall expressed the opinion that whether a citizen pleads guilty or exercises the right to an appeal, the fine should be consistent and spoke in opposition to penalizing citizens for pursuing their legal hearing rights. Mr. Crandall requested that the Council review the existing policy and revise the current fines.

Discussion ensued relative to Mr. Crandall's personal citation experience and the fact that citizens who are not exonerated as a result of the hearing process may be fined up to a maximum of \$500 at the discretion of the Hearing Officer.

Councilmember Payne acknowledged the personal friendship which exists between her and Mr. Crandall and noted for the record that staff was requested to investigate Mr. Crandall's allegations and advise whether Mr. Crandall is correct in his complaints against the City.

In response to a question from Vice Mayor Jensen, Mr. Crandall advised that the citation issue has been resolved and the citation dismissed. Mr. Crandall stated that his purpose in addressing the Council is to request that the fine policy be analyzed and revised.

Mr. Ed Field, a property owner on Morris Circle, read a letter dated February 14, 1996 from Mr. Robert Digerness, the owner of three properties located on Morris Circle. (See Attachment.) Mr. Digerness' letter solicited assistance from the Council in aiding residents of the neighborhood in improving the area.

Mayor Wong thanked the speakers for their input.

Vice Mayor Jensen recommended that the civil citation/fine issue be the subject of a future Council Policy Session.

Ms. Irene Pine, a resident of Morris Circle, discussed the efforts of a majority of the property owners in the area to improve the quality of life and expressed the opinion that a number of residents have remained unwilling to cooperate and upgrade the safety and aesthetics of the neighborhood.

(Mayor Wong excused Councilmember Gilbert from the remainder of the meeting.)

Mayor Wong thanked Ms. Pine for her comments and advised that this issue will be a topic of discussion at a future Council Policy Session.

2. Further discussion and consideration concerning the proposed McKellips Road improvements.

Traffic and Streets Director Ron Krosting introduced Deputy City Engineer Keith Nath to the Council and advised that Mr. Nath would provide a brief update on a proposal to improve McKellips Road.

Mr. Nath advised that a public hearing was held to solicit citizen input relative to the proposed improvements and noted that three specific issues were raised: 1) sound walls; 2) raised medians; and 3) landscaping.

Mr. Nath referred to aerials of the area under discussion displayed in the Council Chambers and briefly outlined proposals prepared by staff.

Discussion ensued relative to cost estimates to address the citizens' issues, site distances, landscaping pockets, cost estimates to acquire additional right-of-way for the construction of raised medians, and long-term landscape maintenance expenses.

City Manager Charles Luster requested Council input relative to this issue and discussed the fact that right-of-way acquisitions would be a lengthy process. Mr. Luster recommended that the Council not support the proposed landscaped pockets and consider instead the construction of four foot deep planter boxes. Mr. Luster spoke in support of the proposed sound walls and added the opinion that raised medians should not be constructed on McKellips Road. Mr. Luster stated that a limited number of medians may be required along the major intersections and added that staff would analyze this issue further. Mr. Luster informed the Council that a number of bus pockets will also be required.

Vice Mayor Jensen concurred with Mr. Luster's recommendation relative to the landscaped pockets and spoke in support of the proposed planters. Vice Mayor Jensen stated the opinion that raised medians represent a crucial safety factor and said that sections of raised medians should be placed at the major intersections along McKellips Road. Vice Mayor Jensen spoke in support of proceeding with the project.

Councilmember Stapley indicated his support for the project and stated that he would prefer the construction of painted rather than raised medians.

Councilmember Johnson spoke in support of the project.

Councilmember Boyd stressed the importance of ample landscaping along McKellips Road and indicated his support of the proposed sound walls. Councilmember Boyd added that he would support the construction of raised medians at the major intersections and requested that staff contact the merchants in the area to determine their specific requirements. Councilmember Boyd stated that although he has offered specific recommendations relative to the project, he is not prepared to support the McKellips Road project at this time. Councilmember Boyd briefly discussed traffic impacts on the area.

Councilmember Payne indicated that she would support proceeding with the project at this time.

Mayor Wong advised that Councilmember Gilbert, who was excused from the meeting earlier, indicated that the extra expense for the sound walls, in his opinion, is justified.

City Manager Charles Luster noted that the proposed project is subject to bond approval at the March 26, 1996 Primary Election.

Mayor Wong advised that it is the general consensus of the Council to proceed with plans for the project.

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

Mayor Wong advised that there were no reports on meetings and/or conferences attended.

4. Scheduling of meetings and general information.

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

Friday, March 1, 1996, 7:30 a.m. - Council Study Session

Thursday, March 7, 1996, 4:00 p.m. - Council Policy Session

5. Prescheduled public opinion appearances (Maximum of three speakers for five minutes per speaker.

a. Hear from Douglas Gough regarding misuse of Police helicopter spotlight.

Douglas Gough informed the Council that his son was recently awakened from sleep as a result of Police helicopter lights shining in the windows of his residence. Mr. Gough advised that his son was frightened by the experience and was hurt while attempting to exit his room. Mr. Gough recommended that a lens be placed over the spotlights to reduce the glare. Mr. Gough discussed other instances of helicopter lights over his premises and requested that the Council investigate the indiscriminate use of Police helicopter spotlights in residential areas.

In response to a recommendation from Vice Mayor Jensen, Mr. Gough advised that he has spoken with Assistant Police Chief Fred Conway and is scheduled to meet with him next week relative to this issue. Vice Mayor Jensen requested input from Assistant Chief Conway following their discussion.

Mayor Wong thanked Mr. Gough for his input.

6. Items from citizens present (Maximum of three speakers for five minutes per speaker.)

Mayor Wong advised that there were no items from citizens present.

7. Adjournment.

It was moved by Councilmember Stapley, seconded by Councilmember Boyd, that the meeting adjourn at 8:48 A.M.

Carried unanimously.

WILLIE WONG, MAYOR

ATTEST:

BARBARA JONES, CITY CLERK

Attachment

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 23rd day of February, 1996. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 7th day of March 1996

BARBARA JONES, CITY CLERK

ATTACHMENT

Date: Feb. 14, 1996
To: Mesa City Council
Re: South Morris Circle, Mesa

Dear Council Members:

Please allow me first to express my regrets for not being able to attend in person. As way of introduction, I am currently the owner of 3 properties on Morris Circle: 629, 641, and 653 -having first purchased property there in May of 1994. As such, I represent one of the larger owners on Morris Circle with like concerns and interests.

To provide a little background and insight regarding the problems confronting Morris Circle, let me describe briefly the situations initially acquired with purchasing property there: Several months prior a tenant woman was raped and left naked on the front lawn, drugs were being dealt and used openly on the street, gunfire was nearly an everyday occurrence, gang activity abounded with confrontations of 60 or more at a time - with guns, bats, & chains drawn. Morris Circle was considered the "party place" for Mesa, Tempe, Gilbert & Chandler. Weekends would draw upwards of 100 people at a time. On one occasion, a "visitor" drew a 9 MM on me for asking him not to park on the lawn. On at least three occasions doors were kicked down and apartments ransacked. Transients lived in the adjacent vacant property and actually set my fence on fire -until one was knifed to death. Broken beer bottles and trash were everywhere. Just imagine your worst fears - and that was Morris Circle. If you doubt me, ask for the police call records from two and three years ago.

Fortunately, early on, I learned about and attended "The Mesa Crime Free Multi-Housing Program" which was conducted by Tim Zehring via the Mesa Police Department. If you are not familiar with the program, the thrust is for property owners to exercise their lawful civil rights in removing "problem" tenants through eviction, lease cancellation, rule enforcement, etc. Thusly aiding the police department which demands irrefutable evidence in order to react. The program to date has been successfully targeted at the larger apartment complexes and to quote Mr. Zehring "going to push the problem out to the 'mom and pop' property owners". Being such myself, and certainly not willing to accept this fate, I committed to that program. As a result, out of 12 original tenants, only 1 remains. Irene Pine has completed this program and is totally committed to its implementation - with spectacular results.

I must first qualify my position by saying I do not have total knowledge of what has transpired between other landlords and Irene Pine - but from my perspective this meeting represents an opposition by the city council to the crime free program as presented by the Mesa Police Department. Are you in support of this program? Do we not as owners have the right to exercise civil law in protecting our properties? And to encourage other owners to do likewise? The obvious answer is yes.

As a landlord, I do not enjoy the circumvention of the program or my efforts in its regard. Namely tenants who are evicted for just cause only to find willing landlords who rent to them

down or across the street. Specifically Olivia Hernandez - whose picture was presented to me via the 6 o'clock television news as an alleged child abuser and prostitute. Her 7 children left unattended at night had literally destroyed the apartment. I evicted her. Or Andreas Guitiers whose alleged drug activity, gun shooting, party time ways led me to "ask" him to leave on his own accord. On at least 5 subsequent separate occasions Andreas has requested tenancy from me. I continue to refuse. So why is it that both of these once inherited tenants, now removed from my properties, live down the street today? Due to a lack of communication between property owners, or lack of proper attitude, I do not know which. But I do know that all the property owners must work effectively together and commit to the program for it to succeed.

I can testify to my contact with Irene Pine. This is a person who is totally committed to the improvement of Morris Circle. One who has involved, the police, fire and trash departments in providing parties for the residents. One who carefully screens each prospective tenant. One who has physically improved her properties... providing security doors, lights, locks and block wall. One who now commands rents \$100 to \$200 higher than the average as a result of her actions. One who has been a witness for me in serving eviction notices. One who has called me numerous times with potential problems regarding my property. Do I consider this harassment? Not at all. I guess it's a matter of attitude and perspective. Irene has been a "one-man police force" for Morris Circle. The added security of her presence there is a huge advantage. Her actions are to be commended.

As far as Irene Pine harassing other property owners for the purposes of acquiring property, from my perspective, nothing could be further from the truth. Logically speaking, if one were attempting to do so, the effort would be directed at devaluing the property - not improving it. My suggestion to other concerned property owners would be to become involved with the spirit of the program and enjoy increased rents of \$100 to \$200 more per month per unit while also experiencing reduced costs due to damages from crime related activity - such as Irene.

The past two years, through a lot of effort, have greatly improved conditions on Morris Circle. (Again I challenge the city council to compare recent police activity there.) As my tenants now sometimes put it: "muy pacifico". Yet much is still to be done. My desire is to continue to move forward - which to me means -to continue to implement the crime free programs.

In that vain, and while I have your attention, I would like to solicit the city council to aid us in our efforts. Specifically to target the area in creating an example which will motivate others to shed themselves of what seems to be a reconciliation to crime on our streets and in our neighborhoods. Involvement - not apathy - is the need.

For examples: 1) Cars speed up and down the street, turning brodies in the cul-de-sac. Children play - someone is going to get killed. Speed bumps, an island at the end of the street, speed limit signs, police radar traps, increased police activity via car or bicycle - all are possible solutions. 2) Street lights are needed on both sides of the street. 3) Cruisers looking for drugs abound -obvious to any one with eyes. A few judicious stops will result in arrests. 4) Tenants tell me drugs are available via the ice cream trucks. Are these legitimate vendors - licensed? Seems like this is a practice that could easily be stopped. 5) Police have called me and named the drug

dealers on the street. If they know who they are, why don't they arrest them? 6) On several occasions the police have used "if you do this one more time, we're going to arrest you". Personally I don't care if they're home in an hour and paper work abounds... if they deserve arrest then do so. Then provide the information to the property owner. Minimally I end up with documentation as evidence for eviction under the "Crime Free Lease Addendum" under the law. Each and every one of my, as does Irene's, tenants sign this addendum.

I'm certain Irene has requests of her own for Morris Circle and will defer to her. Hopefully I have provided insight to the situation there. I will be happy to provide any additional information that you may require.

Thank you for your attentions.

Respectfully,

Robert L. Digerness

Dak Properties
8485 East McDonald Drive Suite #206
Scottsdale, AZ 85250
Daytime: 423-5701
Evening: 423-5674
Fax: 423-0423