

# COUNCIL MINUTES

January 28, 2002

The City Council of the City of Mesa met in a Regular Council Meeting in the Council Chambers, 57 East 1st Street, on January 28, 2002 at 5:45 p.m.

## COUNCIL PRESENT

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

## COUNCIL ABSENT

None

## OFFICERS PRESENT

Mike Hutchinson  
Debbie Spinner  
Barbara Jones

Invocation by Reverend Jeanna Festa, Red Mountain United Methodist Church.

Pledge of Allegiance was led by Alex Yukolis, Boy Scout Troop # 656.

Mayor Hawker welcomed everyone to the meeting.

### 1. Consider all consent agenda items.

At this time, all matters on the consent agenda were considered or were removed at the request of a member of the Council. All items identified with an asterisk (\*) were approved with one Council action.

Mayor Hawker stated that agenda items 5i and 7n are removed from the consent agenda.

It was moved by Vice Mayor Davidson, seconded by Councilmember Kavanaugh, that the consent agenda items be approved.

Carried unanimously.

### \*2. Approval of minutes of previous meetings as written.

Minutes from the January 3, 7, 10, and 17, 2002 Council meetings.

Minutes from the January 7, 2002 Transportation Committee meeting.

3. Conduct a public hearing for the following proposed annexation:

- a. **A01-5** Annexing the area north of the corner of East Culver Street and North 87<sup>th</sup> Street (5± acres). Initiated by the property owner.

Mayor Hawker announced that this is the time and place for a public hearing regarding the proposed annexation.

There being no citizens wishing to speak on this issue, Mayor Hawker declared the public hearing closed.

4. Consider the following liquor license applications:

- \*a. PATRICIA A. WENTWORTH, PARISH MANAGER

Special Event License application of Patricia A. Wentworth, Parish Manager, St. Bridget Catholic Church, a one-day religious event to be held on Friday, February 1, 2002 from 5:00 P.M. to 10:00 P.M., at 2213 N. Lindsay Road, St. Bridget Catholic Church.

- \*b. PATRICIA A. WENTWORTH, PARISH MANAGER

Special Event License application of Patricia A. Wentworth, Parish Manager, St. Bridget Catholic Church a one-day religious event to be held on Friday, February 10, 2002 from 5:00 P.M. to 10:00 P.M., at 2213 N. Lindsay Road, St. Bridget Catholic Church.

- \*c. DANNY R. WINGO, AGENT

Person and Location transfer Beer and Wine Bar License, Taylor Rays Restaurant, 5601 E. Hermosa Vista Drive. This is an existing business. This transfer is from Daniel Levato, Agent, Che Rios Enterprises, Inc., 16720 E. Avenue of the Fountains, Fountain Hills.

- \*d. MICHAEL BASHA, AGENT

Person transfer Liquor Store License for Food City #145, 450 S. Country Club Drive. This is an existing business this transfer is from Harold E. Gaubert, Agent, Southwest Supermarkets LLC.

- \*e. MAHESH C. PATEL, AGENT

New Beer and Wine Store License for Dollar Plus, 2333 W. Broadway Road, Suite 1. This is an existing building no previous liquor licenses at this location.

- \*f. ANDY YOUKHANNA, AGENT

New Beer and Wine Store License for M&R Market, 1231 S. Mesa Drive. This is an existing business. The Beer and Wine Store License previously held at this location by Rick N. Truong, Agent, Shoes Wear & More, Inc., will revert back to the State.

\*g. ROY RODRIQUEZ, MEMBER

New Restaurant License for Los Arcos, 2155 W. Broadway Road. This is an existing business. The Restaurant License previously held at this location by Armando Zamora, Agent, Aries Restaurants LLC, will revert back to the State.

\*h. STANLEY T. NICPON, AGENT

New Restaurant License for Pizzeria Uno-Chicago Bar & Grill, 1633 S. Stapley Drive. This is a new building, which is currently under construction. No previous liquor licenses at this location.

\*i. CONSUELO CORNEJO-CARRILLO, INDIVIDUAL

New Restaurant License for Tortas Hermosillo, 535 E. Southern Avenue. This building is currently under construction. No previous liquor licenses at this location.

5. Consider the following contracts:

- \*a. Two automated side loading (ASL) refuse trucks for the Solid Waste Division. One truck is a replacement unit, one is an addition to the fleet.

The Purchasing Division recommends accepting the bid by Arizona Truck Center at \$351,749.12.

- \*b. Two-year supply contract for carpentry services as requested by Facilities Maintenance.

The Purchasing Division recommends accepting the proposal with the lowest price by Jim Gardner, Jr. Construction for estimated annual expenditures of \$52,000.00.

- \*c. One replacement fire pumper and one replacement air/light truck as requested by the Fire Department.

The Purchasing Division recommends accepting the proposals by Pierce Manufacturing, Inc. at \$422,119.10 for the pumper and \$316,532.83 for the air/light truck including options and applicable use tax. Pierce offered the lowest prices on both apparatus and achieved the highest evaluated scores of 996 for the pumper and 1000 for the air/light truck (out of a possible 1000 points). The total recommended purchase is \$738,651.93.

- \*d. Furnishings for the Public Safety Training Facility (PSTF) located at 3260 N. 40<sup>th</sup> Street as requested by the Fire Department.

The Purchasing Division recommends authorizing purchase from the State of Arizona contract from Goodmans, for item 1, at \$29,543.21; and Walsh Bros., for item 2, at \$18,493.49.

The combined award is then \$48,036.70 including applicable sales tax.

- \*e. Two-year renewal of the landscape maintenance services for City parks and retention basins, in an area known as Zone 5, as requested by the Parks & Recreation Division.

The Purchasing Division recommends exercising the two-year renewal option with Bowen's Horticulture Services, Inc. at \$159,843.00 based on estimated annual requirements. Bowen's Horticulture Services, Inc. has requested a 3% increase; which is less than the two-year rate of inflation.

- \*f. Two-year supply contract for recreational lighting maintenance services as requested by the Parks & Recreation Division.

The Purchasing Division recommends accepting the low bid by Fluoresco Lighting & Sign Corp. for estimated annual expenditures of \$65,000.00.

- \*g. Two-year supply contract for traffic control signs as requested by the Transportation Division.

The Purchasing Division recommends accepting the low bids as follows:

Section I and Section IIB to Custom Products Corp. at \$66,803.94; and Section IIA to Rocal Inc. at \$60,849.99.

The combined award is then \$127,653.93 based on estimated annual requirements.

- \*h. Modular office workstations for Solid Waste as requested by Development Services.

The Purchasing Division recommends authorizing purchase from the State of Arizona contract with Goodmans at \$130,088.65 including design, installation, delivery and applicable sales tax.

- i. Price adjustment for Fire Department sedan order.

The Purchasing Division recommends authorizing an amendment to increase the price for five Fire Department sedans to \$86,184.15. The original award of \$63,476.40 was authorized on January 7, 2002.

Mayor Hawker stated that William Puffer, 8330 E. Thomas Road, who was present in the audience, has presented the following questions/comments regarding this agenda item:

1. Why is bid increased by \$23,000?
2. Is it still the low bid?
3. The increase is almost 40%.

Mayor Hawker said that there was a previous explanation from staff regarding the increase and he explained that the first bid was for gasoline-fueled sedans instead of bi-fueled sedans.

Purchasing Director Sharon Seekins advised that both bids are from the State contract supplier and she commented on a miscommunication that occurred between the City and the supplier when the City initially asked the supplier for the price of the sedans. She noted that the error

became apparent when the City placed the order for the sedans and that staff subsequently verified the State contract price for the bi-fuel sedans.

In response to a question from Mayor Hawker, Ms. Seekins advised that the current price the City pays for compressed natural gas is lower than the current price of gasoline.

Mayor Hawker requested that staff provide him with an analysis of whether the additional cost of purchasing bi-fuel vehicles over gasoline-only vehicles is recouped over the life of the vehicles through lower fuel costs. Mayor Hawker noted that the air quality benefits associated with the City's use of compressed natural gas is a significant factor concerning this issue.

It was moved by Vice Mayor Davidson, seconded by Councilmember Kavanaugh, that the recommendations of staff be approved.

Carried unanimously.

\*j. Falcon Field Airport Fencing and Landscaping. City of Mesa Project No. 02-16.

This project replaces 6300 feet of existing fence along Greenfield Road between McKellips and McDowell Roads, and along McDowell Road from Greenfield to the Boeing property.

Recommend award to low bidder, M. Anderson Construction Corporation, in the amount of \$245,093.60 plus an additional \$24,509.36 (10% allowance for change orders) for a total award of \$269,602.96.

6. Introduction of the following ordinances and setting February 4, 2002 as the date of public hearing on these ordinances:

- a. **Z01-72** The 500 block of South Higley (east side). Rezone from C-2 to C-2-PAD (2.8 acres). This case involves development of medical office buildings. **(This item was removed from the agenda during the preceding Study Session for introduction at a future meeting.)**
- \*b. Modification to the Zoning Ordinance Chapters 14 and 15 to change the Design Guidelines, Landscaping and Screening regulations. **(Council consideration of this item is scheduled for the March 4, 2002 Regular Council Meeting.)**
- c. Amending fees for planning services in the Town Center Redevelopment Area as recommended by the General Development Committee. **(This item was removed from the agenda during the preceding Study Session.)**

7. Consider the following resolutions:

- a. Granting an Irrigation Easement to Salt River Project along the 1300 block of East Baseline Road – Resolution No. 7784.

This easement is for irrigation utilities to be relocated for Phase II of the Baseline Road Improvement Project.

Vice Mayor Davidson declared a potential conflict of interest and refrained from discussion/participation in this agenda item.

It was moved by Councilmember Kavanaugh, seconded by Councilmember Pomeroy, that Resolution No. 7784 be adopted.

Upon tabulation of votes, it showed:

AYES - Hawker-Jaffa-Kavanaugh-Pomeroy-Walters-Whalen  
NAYS - None  
ABSTAIN - Davidson

Mayor Hawker declared the motion carried unanimously by those voting and Resolution No. 7784 adopted.

- \*b. Extinguishing a Temporary Drainage Easement in the 300 block of North Sunvalley Boulevard – Resolution No. 7772.

A new permanent drainage easement has been approved making the temporary easement no longer necessary.

- \*c. Extinguishing Public Utility Easements on Lots 9, 11, 14 and 16 in Dover Industrial Park, Unit One – Resolution No. 7773.

These easements conflict with the reconfiguration of the lots for development.

- \*d. Extinguishing a Temporary Drainage Easement on Lots 3 and 4 of Ellsworth Crossing – Resolution No. 7774.

A new permanent drainage easement has been approved, making the temporary easement no longer necessary.

- \*e. Extinguishing a Temporary Drainage Easement at 554 West Iron Avenue – Resolution No. 7775.

A new permanent drainage easement has been approved, making the temporary easement no longer necessary.

- f. Granting an Underground Power Distribution Easement to Salt River Project at 10940 East Pecos Road – Resolution No. 7785.

This easement is to provide electric service to City of Mesa Desert Well No. 11.

Vice Mayor Davidson declared a potential conflict of interest and refrained from discussion/participation in this agenda item.

It was moved by Councilmember Walters, seconded by Councilmember Kavanaugh, that Resolution No. 7785 be adopted.

Upon tabulation of votes, it showed:

AYES - Hawker-Jaffa-Kavanaugh-Pomeroy-Walters-Whalen  
NAYS - None  
ABSTAIN - Davidson

Mayor Hawker declared the motion carried unanimously by those voting and Resolution No. 7785 adopted.

- \*g. Dedicating a Right of way for Pecos Road at 10940 East Pecos Road – Resolution No. 7776.

This will dedicate City property as a public street adjacent to Desert Well No. 11.

- \*h. Extinguishing a Portion of an Easement and Agreement for Highway Purposes Along Chesire Boulevard – Resolution No. 7777.

This easement is no longer necessary and conflicts with the recorded plat.

- \*i. Vacating a Portion of Public Right of Way at 2515 North Horne – Resolution No. 7778.

This excess right of way is no longer needed.

- \*j. Approving and authorizing the City Manager or his designated representative to execute an Intergovernmental Agreement between the City of Mesa and the Gilbert Unified School District and to also execute Addendum #1 pertaining to facilities at Highland Junior High School – Resolution No. 7779.

- \*k. Supporting the application of A.R.M. of Save the Family to the Maricopa HOME Consortium for funding through the Federal Home Investment Partnerships CHDO Program – Resolution No. 7780.

- \*l. Supporting the application of Housing for Mesa, Inc. (HFM) to the Maricopa HOME Consortium for funding through the Federal HOME Investment Partnerships CHDO Program – Resolution No. 7781.

- \*m. Authorizing and approving the City Manager to execute an agreement between the City of Mesa and the Arizona DUI Abatement Council for the purchase of a laptop computer and LCD projector for use by the City Prosecutor's Office – Resolution No. 7782.

- n. Authorizing the City Manager to execute an agreement between the City of Mesa and Prehab of Arizona, Mesa United Way, Maricopa County Adult Probation and Maricopa County Juvenile Probation as partners in the continued implementation of the Mesa Gang Intervention Project – Resolution No. 7786.

Councilmember Whalen declared a potential conflict of interest and refrained from discussion/participation in this agenda item.

It was moved by Councilmember Kavanaugh, seconded by Vice Mayor Davidson, that Resolution No. 7786 be adopted.

Upon tabulation of votes, it showed:

AYES - Hawker-Davidson-Jaffa-Kavanaugh-Pomeroy-Walters  
NAYS - None  
ABSTAIN - Whalen

Mayor Hawker declared the motion carried unanimously by those voting and Resolution No. 7786 adopted.

- \*o. Authorizing the City Manager to execute an agreement between the City of Mesa and the Valley of the Sun YMCA as partners with the Governor's Division for Children to implement the Mesa Mentoring Project – Resolution No. 7783.

8. Consider the following ordinance:

- \*a. Prohibiting parking from 8:00 a.m. to 4:00 p.m. on school days on the south side of Fairbrook Street from Gaylord to the west property line of 2521 E. Fairbrook Street, on the north side and east side of Fairbrook Street from Gaylord to the north property line of 2560 E. Fairbrook Street; as recommended by the Transportation Advisory Board – Ordinance No. 3969.

9. Consider the following recommendations from the General Development Committee:

- a. Approving the creation a new five-member Council advisory committee, known as the Redevelopment Committee.

Charles Crismon, 55 E. Main Street, addressed the Council and commented on the difficulties small business must overcome when developing business properties in the City of Mesa. He commented on various City requirements that must be met and on the numerous Boards and Committees that may have jurisdiction over the development or expansion of a business location. He stated opposition to the creation of a Redevelopment Committee and stated the opinion that the City currently has excessive regulations and control over business development. He also voiced opinions relative to the City's efforts concerning redevelopment.

Councilmember Walters, as Chairman of the General Development Committee, said that the purpose of the proposed Committee is to address issues associated with redevelopment outside the Town Center. She explained that although presently the Town Center is the City's only designated redevelopment area, there have been suggestions and discussions relative to the creation of new development areas, including the Mesa Lutheran Hospital area. She further explained that these discussions led to discussions regarding appropriate jurisdiction over a new development area. She said that recommendations regarding this issue from the Planning and Zoning Board (P & Z Board), the Downtown Development Committee (DDC), the Design Review Board (DRB) the Redevelopment Office and the Planning Division support the creation of a Redevelopment Committee to meet on an as-needed basis. She noted that the issue of infill development is one issue that would be appropriately addressed by the Redevelopment



Committee. She reported that the General Development Committee recommends approval of the creation of a Redevelopment Committee.

In response to a question from Councilmember Jaffa concerning the possibility of utilizing the P & Z Board to consider redevelopment issues outside the Town Center, Planning Director Frank Mizner advised that forming a sub-committee of the P & Z Board to address redevelopment was not considered because it would not include the necessary redevelopment related expertise of the DDC and DRB members.

Mr. Mizner explained that the five-member Redevelopment Committee would consist of two members of the DDC, two members of the P & Z Board and one member of the DRB. Mr. Mizner explained that the City Code currently provides that any new redevelopment areas fall under the jurisdiction of the DDC.

In response to questions from Councilmember Jaffa, Mr. Mizner explained that approval of this agenda item would start the process of drafting an Ordinance for subsequent introduction; that the DDC, the DRB and the P & Z Board are supportive of this item; and that the new Committee members will be appointed by the Mayor and approved by the Council.

Councilmember Jaffa stated that although he has concerns regarding the formation of another Committee, he is supportive of moving forward with the drafting of an Ordinance concerning this issue.

It was moved by Councilmember Jaffa, seconded by Councilmember Kavanaugh, that staff be directed to draft an Ordinance for introduction consistent with the recommendations of the General Development Committee to create a new five-member Council advisory committee, known as the Redevelopment Committee.

Councilmember Kavanaugh commented on the fact that one of the key issues identified by the Council during the previous two Council retreats is the consideration of redevelopment areas outside the Town Center. He stated support for moving forward with the proposed Redevelopment Committee and stated the opinion that the formation of this Committee is a positive step forward for economic development in the community.

Vice Mayor Davidson, Councilmember Pomeroy and Councilmember Whalen stated support for the creation of a Redevelopment Committee.

Councilmember Whalen also voiced support for expanding the role of this Committee to encompass outreach and education efforts to help mitigate fears concerning redevelopment in impacted neighborhoods.

Carried unanimously.

- b. Approving a Letter of Agreement with Hunter Interests, Inc. for the Mesa Town Center redevelopment economic analysis.

Mayor Hawker declared a potential conflict of interest and refrained from discussion/participation in this item.

Mayor Hawker yielded the gavel to Vice Mayor Davidson for action on this agenda item.

Councilmember Pomeroy declared a potential conflict of interest and refrained from discussion/participation in this item.

In response to a question from Councilmember Jaffa, City Attorney Debbie Spinner commented on whether this issue represents a conflict of interest for Councilmember Jaffa. She stated that because the potential conflict is tenuous, Councilmember Jaffa must decide if he has a substantial personal interest in the issue. She added that either decision to declare or not declare a conflict of interest would be considered reasonable and justified.

Councilmember Jaffa stated that he would participate and vote on the matter.

Charles Crismon, 55 E. Main Street, addressed the Council regarding this agenda item and stated opposition to spending taxpayer funds on an additional study concerning the Town Center. He voiced concerns regarding past studies that have not been implemented and stated that the City has the resources to follow through with projects previously proposed. He also stated the opinion that the City needs to become more "business friendly."

It was moved by Councilmember Kavanaugh, seconded by Councilmember Whalen that the recommendation from the General Development Committee approving a Letter of Agreement with Hunter Interests, Inc. for the Mesa Town Center redevelopment economic analysis, be approved.

Councilmember Kavanaugh explained that the proposed economic analysis would address five specific sites in the Town Center area. He noted that events that have occurred in recent years relative to future development in the Town Center, including the siting of the new Mesa Arts Center and the Aquatics Facility, create the potential for economic development of these five sites assembled by the City for redevelopment. He noted that one of the sites is the 30-acre Mesa Verde parcel, which is considered unique among large cities in terms of its size, location and availability for immediate development. Councilmember Kavanaugh stated support for the motion and stated the opinion that the study will serve to benefit the City economically by identifying uses and users of the five properties.

Councilmember Walters stated support for the motion and discussed the fact that the only additional study she would be willing to support at this time concerning the Town Center is the proposed study by Donald Hunter of Hunter Interests Incorporated. She noted that Mr. Hunter will analyze the economic development issues relative to the five sites to determine whether or not the City should move forward in seeking redevelopment of these sites at this time or wait for economic conditions to improve.

Councilmember Whalen concurred with the comments of Councilmembers Kavanaugh and Walters. He stated that he met Mr. Hunter and that he is impressed with Mr. Hunter's methodology and history of attracting developers to specific locations. Councilmember Whalen stated the opinion that the Mesa Verde parcel represents a "crown jewel," dictating the necessity of ensuring that the parcel is developed in the best possible manor for the future economic benefit of the City.

Councilmember Jaffa stated that a significant amount of money was spent developing the Town

Center Concept Plan and he commented on the City staff and other resources available to analyze future development in the Town Center. He said that although he would be willing to authorize a commission to Mr. Hunter for securing a "done deal," he is opposed to conducting another consulting study. He stated the opinion that due to budgetary constraints and the Council's history of ignoring previous studies, the proposed expenditure is not appropriate at this time.

Vice Mayor Davidson stated support for the motion and he commented on the quality of Mr. Hunter's work. He also voiced the opinion that staff is not experienced in the area of identifying and attracting the level of development and developers appropriate for these properties.

Upon tabulation of votes, it showed:

AYES - Davidson-Kavanaugh-Walters-Whalen  
NAYS - Jaffa  
ABSTAIN - Hawker-Pomeroy

Vice Mayor Davidson declared the motion carried by majority vote of those voting.

With action on this item being complete, Vice Mayor Davidson yielded the gavel back to Mayor Hawker.

- c. Approving the adoption of the HUD guidelines for the Section 8 Homeownership Program.

Mayor Hawker provided a brief overview regarding this item and introduced John Smith, of Housing for Mesa, to comment on the proposed program.

Mr. Smith stated that this program represents an opportunity for participants in the Section 8 Housing Program to become homeowners. He said that because of the requirements of the proposed program, there are a limited number of Section 8 participants who would qualify to participate. Mr. Smith commented on the national and local support for the Federally mandated program and advised that Fannie Mae is very supportive of the program and totally engaged in both the development and implementation of the program.

Mr. Smith spoke about Housing for Mesa's history in the community and said that Housing for Mesa and Mesa's housing staff have worked to identify the strengths and risks associated with this proposed program and he noted that it will take a collaborative effort to ensure its success.

Mr. Smith reported that Housing for Mesa, as the counseling education component of this program, will not support sending a family to a lender for the purpose of securing a mortgage until they are ready for this step, which might result in only a few initial participants. He stated that Housing for Mesa supports the program and urges the Council to support the program.

Councilmember Walters stated support for the program and commented on the micro-details of responsible homeownership that are addressed in the program. She also commented on the Section 8 Self-Sufficiency Program and her attendance at the graduation ceremony last year. She said that the proposed Section 8 Homeownership Program represents a "hand-up instead

of a hand-out” to qualified Section 8 participants. She also discussed the benefits neighborhoods derive through increased homeownership versus home rental.

It was moved by Councilmember Walters, seconded by Vice Mayor Davidson, that the recommendation from the General Development Committee approving the adoption of the HUD guidelines for the Section 8 Homeownership Program, be approved.

Councilmember Kavanaugh stated support for the motion and voiced the opinion that this program represents a solid investment for the community. He also commented on the correlation between pride in the community and homeownership and the fact that the Police Department reports an increased level of calls for service to rental units as opposed to owner-occupied homes.

Councilmember Pomeroy said that the program promotes independence and self-sufficiency and he stated support for the program.

Mayor Hawker said that he supports the program although he has concerns regarding the concept that homeowners involved in the program can sell the property in the future and retain the entire proceeds, even though mortgage payments are subsidized by taxpayers. He stated support for encouraging participants to repay their debt to society when they are fully self-sufficient.

Councilmember Jaffa voiced support for the program and noted that Housing For Mesa has an excellent track record in this area.

Carried unanimously.

10. 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 referred to and commented on a map on display in the Council Chambers that depicted the site the City is considering to propose to the Tourism and Sports Authority (TSA) for the Multipurpose Facility. Mr. Hutchinson stated that the site is southwest of the interchange of the 101 and 202 Freeways and he noted that the proposed location of the stadium, which would be on the 33-acre vacant parcel presently owned by the Hurley family, is located west of Dobson Road.

Mr. Hutchinson stated that the proposal must include 24,000 parking spaces and he commented on the proposed parking facilities, which would include parking around the stadium; parking on a parcel presently owned by Arizona State University located south of 8<sup>th</sup> Street, and a parking facility at the present location of Riverview Golf Course. He explained that although Riverview Park located on the northwest corner of 8<sup>th</sup> Street and Dobson would remain as is, Riverview Golf Course, which is directly west of the park, would be relocated and the site developed into a parking facility. He also noted that the existing softball complex presently located adjacent to the Hurley property would be relocated to the west end of the site. Mr. Hutchinson also commented on options for additional parking spaces for major events such as the Fiesta Bowl.

Mayor Hawker provided an historical overview regarding the City's consideration of Multipurpose (stadium) Facility projects, including the Rio Salado Crossing Project and the current Maricopa County voter authorized project that is being administered by the TSA. He noted that this is the second proposal process the City has participated in with the TSA and he commented on the unsuccessful result of the initial proposal process. He added that the current proposal requirements include numerous additional stipulations that were not part of the initial process, including an expanded plaza area, a marquee sign, a \$1.5 million contingency fund and the cost of excavating approximately 300,000 tons of dirt for the stadium facility.

Finance Director Larry Woolf outlined the various revenue sources related to the project that would provide City revenues and stated that the present value of total projected revenues support the financing of approximately \$40 million in infrastructure costs. He added that the projected infrastructure costs are \$61 million.

Jack Hannon, 736 S. Macdonald, addressed the Council and asked if there is a need for an archeological study at the proposed site, and if so, whether the cost of the archeological study is included in the \$50,000 being considered.

Mayor Hawker advised that an archeological study is required and is included with the soil/environmental testing.

Discussion ensued regarding the soil compaction testing required by the TSA, the soil load bearing capacity specifications required by the TSA for the stadium structure, soil compaction tests conducted at the City's nearby Northwest Water Reclamation Plant, and the costs associated with developing a fortified foundation system in the event the minimum load bearing specifications are not met.

In response to a question from Councilmember Walters, Mr. Woolf advised that the \$5-8 million cost projected by the TSA to fortify the stadium foundation is not included in staff's projected infrastructure costs.

Councilmember Walters said that although she has concerns regarding eliminating Mesa as a potential site at this point, she also has concerns regarding investing \$50,000 in preliminary costs at this time considering the \$21 million gap in costs over revenues and also because of the very recent development concerning possible action at the legislature to overrule the TSA and build the project on the Karsten Golf Course at Arizona State University. She stated support for a continuance of this item to allow further evaluation regarding the recent development with the legislature and also to allow for further discussions with the Arizona Cardinals concerning their willingness to assist the City in bridging the \$21 million gap.

Mayor Hawker commented on the recent meeting with the Arizona Cardinals that he and Councilmember Whalen participated in and advised that although the Cardinals ruled out the possibility of ticket surcharges and additional funds available through the National Football League to offset infrastructure costs, they were receptive to the possibility of participating in a joint development agreement with the City if the Mesa site is selected by the TSA. Mayor Hawker commented on his analysis of the development agreements the Cardinals entered into with the City of Tempe before the Tempe site was eliminated and he also voiced appreciation to Tempe for sharing the information. He voiced the opinion that although a development agreement with the Cardinals has the potential for providing the revenue necessary to bridge

the \$21 million gap, the looming deadline to submit a proposal to the TSA does not allow the opportunity to adequately explore and analyze this possibility prior to moving forward with spending \$50,000 in initial costs.

Vice Mayor Davidson voiced appreciation to Mayor Hawker for his ongoing efforts in this matter. He stated the opinion that the Mesa site is the perfect location for the project and stated support for continuing this issue for the purpose of gathering additional information and support.

Discussion ensued regarding the TSA's February 15, 2002 deadline for submitting proposals; the time limits associated with conducting the required tests and studies and providing the results with the City's proposal; and the progress of the other communities involved in the proposal process.

It was moved by Vice Mayor Davidson, seconded by Councilmember Whalen that this item be continued to the January 31, 2002 Study Session.

Councilmember Pomeroy stated concern regarding the recent development involving the legislature.

Discussion ensued regarding the possibility that the recently proposed legislation would result in a bill being introduced, survive the enactment process and thereafter preempt all host community proposals; and the possibility that any resulting legislation would provide for reimbursement of submittal costs to the communities which submitted proposals.

Councilmember Whalen commented on the recent meeting with the Cardinals and said that the organization expressed appreciation for the benefits associated with Mesa's site and indicated that if the Mesa site is selected by the TSA, the \$21 million gap could be bridged through partnerships. Councilmember Whalen voiced concern regarding the recent development concerning the legislature and said that because of this development he is not in favor of moving forward with the \$50,000 expenditure at this time and stated support for the motion. He also stated the opinion that because of the recent development with the legislature, it is incumbent upon the TSA to participate in additional discussions and be reasonable regarding the submittal of proposals.

Councilmember Kavanaugh said that although he has supported all previous stadium proposals, he is not in favor of moving forward with the proposed \$50,000 expenditure at this time. He commented on the extensive infrastructure requirements and the limited revenues allotted to the host community under the legislation and said that he is pessimistic that any host community can afford the infrastructure required by the legislation. He stated the opinion that the property costs and the costs associated with the pedestrian plaza and parking facilities should not be a burden for the host community. He added the opinion that the East Valley is the best location for the project and stated that the Mesa site offers numerous advantages. He said that although he supports the motion for continuance, he is not optimistic that the \$21 million gap can be bridged.

Councilmember Jaffa stated support for the motion and for continued discussions with the TSA and the Arizona Cardinals. He voiced optimism regarding the possibility that if the Mesa site is selected, development agreements with the Cardinals would serve to bridge the \$21 million shortfall.

Mayor Hawker stated that although he supports the motion for continuance, he has concerns regarding the \$21 million gap and does not support the \$50,000 expenditure at this time.

Carried unanimously.

11. Election issues.

Mayor Hawker provided a brief overview regarding the March 12, 2002 Mesa Primary Election. He referred to maps on display in the Council Chambers and said that voters in Districts 4, 5 and 6 will cast ballots for Councilmembers in those districts. He stated that the candidates in District 4 (who filed nomination petitions) are Jack Hannon and Kyle Jones, and that Ilias Kostopoulos is a write-in Candidate in District 4. Mayor Hawker said that the candidates in District 5 are Barbara Carpenter, Rex Griswold and Bill Jaffa; and that Janie Thom is running unopposed in District 6.

Mayor Hawker outlined the qualifications for candidacy and explained that any qualified individual wishing to run as a write-in candidate must file a nomination paper no later than 5:00 p.m. on February 26, 2002.

Mayor Hawker encouraged the citizens in Districts 4, 5 and 6 to contact the candidates, become informed regarding the issues and cast an educated vote on March 12, 2002.

12. Items from citizens present.

Peggy Phillips, 4849 E. McLellan, addressed the Council and commented on Proposition 300 (a referendum issue on the March 12, 2002 Primary Election concerning the development of a Super Wal-Mart at the intersection of Greenfield and McKellips Roads). She said that the neighborhood group she represents is opposed to the development of a Super Wal-Mart because it is an unsuitable location and she commented on the close proximity of three schools to the proposed site. Ms. Phillips voiced concerns regarding misinformation relative to this issue and said that it is a rezoning issue. She urged citizens to keep an open mind and not be influenced by propaganda received in the mail.

13. Adjournment.

It was moved by Councilmember Kavanaugh, seconded by Vice Mayor Davidson, that the Regular Council Meeting adjourn at 7:55 p.m.

Carried unanimously.

\_\_\_\_\_  
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 Regular Council Meeting of the City Council of Mesa, Arizona, held on the 28<sup>th</sup> 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

pjt