

COUNCIL MINUTES

March 17, 1997

The City Council of the City of Mesa met in a Study Session in the lower level meeting room of the Council Chambers, 57 East 1st Street, on March 17, 1997, at 5:02 p.m.

COUNCIL PRESENT

Mayor Wayne Brown
Pat Gilbert
John Giles
Dennis Kavanaugh
Joan Payne
Wayne Pomeroy
Jim Stapley

COUNCIL ABSENT

None

STAFF PRESENT

C.K. Luster
Vince Anderson
Pauline Backer
Joan Baier
Wayne Balmer
Cindy Barris
Neal Beets
Tanya Collins
Fred Conway
Gerry Gerber
Dan Hansing
Joe Holmwood
Mike Hutchinson
Lars Jarvie
Barbara Jones
Harry Kent
Wayne Korinek
Ron Krosting
Karen Kurtz
Larry Lines
Jeff Martin

STAFF PRESENT (CONT.)

Dave Nichols
John Oliver
Bill Petrie
Bryan Raines
Andrea Rasizer
Tom Remes
Denise Samuel
Kathleen Savagian
John Smoyer
Doug Tessendorf
Debbie Vickman
Bob White
Mindy White
Ralph Wisz
Larry Woolf

OTHERS PRESENT

Larry Given
Dan Nowicki
Marilynn Wennerstrom
Fred Williams

1. Further consideration of the proposed percent for arts.

Councilmember Kavanaugh provided a synopsis of a proposed ordinance outlining a policy to devote a percentage of public construction funds for public art. Councilmember Kavanaugh explained that the ordinance provides Council the ability during the annual budget process to allocate monies for public art in an amount up to one percent of the funds designated for construction projects.

In response to questions from Mayor Brown and Councilmember Pomeroy concerning the adoption of an ordinance versus a resolution, City Attorney Neal Beets advised that he originally drafted a resolution pertaining to this issue with the understanding that private property owners and residential developers would not be assessed for public art. Mr. Beets stated that under the resolution, bond monies were excluded, and funding would be derived from the City's capital improvement budget.

Mr. Beets expressed the opinion that a resolution would provide sufficient direction to the Museum and Cultural Advisory Board and City staff relative to budgeting and would provide Council the ability during the annual budget process to determine the amount to be allocated for public art. Mr. Beets noted that if the maximum percentage was approved under the resolution for Fiscal Year 1997-1998, public art would be allotted approximately \$150,000. Mr. Beets stated concern that should an ordinance be adopted, funding for public art could be included in future bond authorization requests, dramatically increasing allocated monies.

Councilmember Stapley expressed opposition relative to the open-endedness of the proposal. Councilmember Stapley stated that the funding allocated for public art is dependent upon the number of construction projects, which could potentially result in a large sum of money. Councilmember Stapley spoke regarding the precedent set in guaranteeing funds for a particular cause. Councilmember Stapley commented that additional time is needed to review the proposal.

Councilmember Giles noted the importance of public art to the community. Councilmember Giles indicated support of the proposed ordinance due to its open-endedness and the flexibility provided to Council in determining the annual funding amount. Councilmember Giles expressed concern regarding the section of the proposed ordinance referencing the City's inability under general circumstances to relocate artwork that has been in place for less than five years.

Councilmember Kavanaugh stated that the ordinance provides Council flexibility in determining the annual amount allocated for public art. Councilmember Kavanaugh spoke in favor of an ordinance rather than a resolution, noting that similar ordinances have been adopted by other Arizona communities. Councilmember Kavanaugh advised that public art is generally not relocated unless a safety concern or hazard arises.

In response to a question from Councilmember Stapley, Councilmember Kavanaugh said that adoption of the proposed ordinance would indicate to the community that public art is a priority for the City.

Mayor Brown spoke in support of a resolution rather than an ordinance.

Councilmember Stapley stated the opinion that public art projects should be considered as part of the annual budget process in a manner consistent with other departmental requests. Councilmember Stapley expressed opposition to the proposed ordinance.

In response to a question from Mayor Brown, Mr. Beets said that neither a resolution nor an ordinance would guarantee funding for public art. Mr. Beets outlined the funding formula included in the proposed ordinance and commented that other communities have successfully provided funding for public art through similar processes.

Brief discussion ensued concerning opportunities to erect public art in various facilities, including a proposed arts and entertainment center, and a Charter provision that allows the City to receive gifts and bequests.

Councilmember Stapley suggested that this matter be continued to a future Study Session.

Councilmember Giles stated support for the introduction of an ordinance or resolution but requested that the language regarding the removal of public art be deleted.

Mayor Brown expressed opposition to the adoption of an ordinance.

Councilmember Kavanaugh indicated a willingness to proceed with the preparation of a draft resolution relative to its ability to encompass the objective concerning public art. Councilmember Kavanaugh stated that he will work with staff to address the concerns expressed regarding the removal of public art.

Vice Mayor Gilbert spoke in favor of preparing a draft resolution for Council consideration and addressing the issue of the relocation of public art.

Mayor Brown thanked Councilmember Kavanaugh and Mr. Beets for their efforts relative to this issue.

2. Acknowledge receipt of minutes of meetings of various boards and committees.

a. Utility Committee meeting - February 28, 1997

It was moved by Councilmember Giles, seconded by Councilmember Pomeroy, to acknowledge receipt of the minutes of the Utility Committee meeting held on February 28, 1997.

Carried unanimously.

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

There were no reports at this time on meetings and/or conferences attended.

4. Scheduling of meetings and general information.

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

Friday, March 21, 1997, 7:30 a.m. - Study Session

Friday, March 28, 1997, 7:30 a.m. - Study Session

5. Review items on the agenda for the March 17, 1997 Regular Council meeting.

All of the agenda items were reviewed among the Council and staff, with no formal action taken. There was particular discussion with regard to the following agenda items:

11. Consider the following ordinances:

- *b. Amending Sections 4-4-3, 4-4-31, and 4-4-34 of the Sign Ordinance regarding sign maintenance and visual appearance.

Councilmember Payne requested that this item be removed from the consent agenda.

- *c. Amending Section 8-6-3 of the Public Nuisance Code regarding sign maintenance and visual appearance.

Councilmember Payne requested that this item be removed from the consent agenda.

12. Consider the following cases from the Planning and Zoning Board and possible adoption of the corresponding ordinances:

- a. **Z96-111** The 1900 block of North Stapley Drive (west side). Site plan modification (3.6 acres). This case involves the development of a Sonic drive-thru restaurant and commercial retail center. McStapley LLC, owner; Ralph Pew, applicant. **A 3/4 VOTE IS REQUIRED TO APPROVE THIS REQUEST.**

Community Development Manager Wayne Balmer advised that the applicant has requested that this matter be referred back to the Planning and Zoning Board.

Mayor Brown stated that this item will be placed on the consent agenda for the purpose of referring the matter back to the Planning and Zoning Board.

- b. **Z96-113** 2217 West Ella. Requesting a Council Use Permit. This case involves a proposed halfway house. Richard & Linda Beauvais, owner/applicant. **A 3/4 VOTE IS REQUIRED TO APPROVE THIS REQUEST.**

Mr. Balmer explained that the owners of the proposed halfway house will be requesting that the application be tabled due to the untimely death of Zach Taylor, the proposed halfway house operator.

- c. **Z97-3** The southeast corner of 40th Street and Brown Road. Rezone from AG to R1-15-PAD (60± acres). This case involves the development of a single residence subdivision. Harvey Wood, owner; Hancock Communities, Inc., applicant. **THIS CASE WAS CONTINUED FROM THE FEBRUARY 18, 1997 CITY COUNCIL MEETING. A 3/4 VOTE IS REQUIRED TO APPROVE THIS REQUEST.**

Councilmember Pomeroy indicated that he had a potential conflict of interest in connection with the matter now under discussion which he wanted recorded in the minutes of the meeting, and because of such conflict of interest, he would refrain from voting upon or otherwise participating in any manner in connection with same.

Mr. Balmer advised that staff recently received a letter from the applicant outlining plans to address the concerns of the neighbors. Mr. Balmer said that opposition to the case has been withdrawn and a 3/4 vote is no longer required.

- *d. **Z97-7** 2345 West 8th Street. Modification of an ordinance and site plan review (19± acres). This case involves the development of approximately 320 apartments. Pavlo Enterprises, LLC, owner; Evans Withycombe Residential, L.P., applicant. **THE APPLICANT HAS REQUESTED THAT THIS CASE BE WITHDRAWN.**

Mr. Balmer noted that the applicant has requested that this case be withdrawn.

- *f. **Z97-9** The 700 block of North Center Street (west side). Rezone from R-4 to R-3-PAD (1± acre). This case involves the development of a 16-unit multiple residence project. Edward Probyn James, owner/applicant. **THE APPLICANT HAS REQUESTED THAT THIS CASE BE CONTINUED TO THE APRIL 21, 1997 REGULAR COUNCIL MEETING.**

Mr. Balmer advised that the applicant has requested that this case be continued to the April 21, 1997 Regular Council Meeting.

- g. **Z97-10** North of the northwest corner of 40th Street and Brown Road. Rezone from AG to R1-15-PAD (5± acres). This case involves the development of an 8-lot gated subdivision. Joe Farnsworth, owner/applicant. **A 3/4 VOTE IS REQUIRED TO APPROVE THIS REQUEST. THE APPLICANT HAS REQUESTED THAT THIS CASE BE WITHDRAWN.**

Mr. Balmer stated that the applicant has requested that this case be withdrawn.

- h. **Z97-11** The southeast corner of Greenfield Road and Adobe Road. Rezone from AG to R1-15-PAD (18± acres). This case involves a single-residence subdivision with 31 lots. Robert Turville, Robert Middleton, and James Mast, owners; Stephen C. Earl, applicant. **A 3/4 VOTE IS REQUIRED TO APPROVE THIS REQUEST.**

Mr. Balmer informed the Council that staff has received a letter requesting that this case be continued to the April 21, 1997 Regular Council Meeting.

Mayor Brown stated that this item will be placed on the consent agenda for the purpose of continuance to the April 21, 1997 Regular Council Meeting, and to facilitate the process, will be scheduled for introduction at the April 7, 1997 Regular Council Meeting.

- i. **Z97-12** South of the southeast corner of Greenfield Road and Adobe Road. Rezone from AG to R1-9 and R1-7 with a PAD overlay (50± acres). This case involves a single-residence subdivision with 148 lots. Robert Turville, Robert Middleton and James Mast, owners; Stephen C. Earl, applicant. **A 3/4 VOTE IS REQUIRED TO APPROVE THIS REQUEST.**

Mr. Balmer said that the applicant has requested that this case be continued to the April 21, 1997 Regular Council Meeting.

Mayor Brown stated that this case would be added to the consent agenda for the purpose of continuance to the April 21, 1997 Regular Council Meeting, and to facilitate the process, will be scheduled for introduction at the April 7, 1997 Regular Council Meeting.

6. Prescheduled public opinion appearances (rescheduled appearances will begin at 5:30 p.m.; there will be a maximum of three speakers for five minutes per speaker).

Mayor Brown advised that there were no prescheduled public opinion appearances.

7. Adjournment.

It was moved by Councilmember Stapley, seconded by Councilmember Pomeroy, that the Study Session adjourn at 5:36 p.m.

Carried unanimously.

WAYNE BROWN, MAYOR

ATTEST:

BARBARA JONES, CITY CLERK

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the Study Session of the City Council of Mesa, Arizona, held on the 17th day of March 1997. I further certify that the meeting as duly called and held and that a quorum was present.

Dated this 11th day of April 1997

BARBARA JONES, CITY CLERK