

COUNCIL MINUTES

December 12, 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 December 12, 1997 at 7:50 a.m.

COUNCIL PRESENT

Mayor Wayne Brown
Pat Gilbert
John Giles
Dennis Kavanaugh
Wayne Pomeroy
Claudia Walters

COUNCIL ABSENT

Joan Payne

STAFF PRESENT

C.K. Luster
Vince Anderson
Wayne Balmer
Kathy Barrett
Cindy Barris
Neal Beats
Denise Bleyle
Dennis Compton
Mark Coon
Linda Crocker
Luigi Digirolamo
Mike Hutchinson
Lars Jarvie
Barbara Jones
Rich Kasper
Harry Kent
Ron Krosting
Dorinda Larsen
Larry Lines
Rich Lorig
Greg Marek
Frank Mizner
Ruth Ann Norris

STAFF PRESENT (CONT.)

Ellen Pence
Bryan Raines
Andrea Rasizer
Tom Remes
Becky Richardson
Sharon Seekins
Walter Switzer
Doug Tessendorf
Debbie Vickman
Mindy White
Paul Wilson
Jim Wright
Others

OTHERS PRESENT

Robin Allen
Bev Hart
Sean Lake
Ralph Pew
Marilyn Wilson
Others

Mayor Brown excused Councilmember Payne from the meeting.

1 Hear, accept and consider the independent counsel's interim report concerning Judge Reeb and Judge Allen.

Mayor Brown stated that this item has been removed from the agenda.

2. Hear and consider recommendations from the Judicial Advisory Board concerning Judge Reeb and Judge Forster.

Marilyn Wilson, Chairman of the Judicial Advisory Board, presented the Judicial Advisory Board's recommendations concerning Presiding City Magistrate Harold Reeb and Magistrate George Forster. Ms. Wilson stated that the Board recommends continuing the recommendation on Presiding Magistrate Harold Reeb until January 14, 1998 to provide the Board sufficient time to consider additional information that will be prepared and submitted by Judge Reeb's attorney by January 7, 1998. Chairman Wilson added that the Board recommends that Council renew the contract with Magistrate George Forster for another two-year term.

It was moved by Vice Mayor Gilbert, seconded by Councilmember Kavanaugh, that the recommendation of the Judicial Advisory Board relative to Presiding City Magistrate Harold Reeb be continued until January 14, 1998 and that the Council renew the employment contract with City Magistrate George Forster for an additional two-year term.

Councilmember Kavanaugh noted appreciation to the Court staff for their assistance throughout the reappointment process and complimented them on their work performance.

Upon tabulation of votes, it showed:

AYES - Brown-Gilbert-Giles-Kavanaugh-Pomeroy-Walters
NAYS - None
ABSENT - Payne

Mayor Brown declared the motion carried unanimously by those present.

3. Review items on the agenda for the December 15, 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:

7. Consider the following resolutions:

- *b. Selling Triangle Well site located at the northeast corner of Baseline Road and Power Road.

This well is not useable by the City of Mesa.

In response to a question from Councilmember Giles, City Attorney Neal Beets noted that the high levels of nitrates located in the well have been discussed with the purchaser and will be addressed in the conveyance documents. Mr. Beets added that the condition of the well has been reported to the proper authorities. City Manager Charles Luster advised that staff will provide the Council with information relative to the past use of the well.

- *i. Authorizing and directing the City Manager to execute necessary documents to acquire and to lease certain real property on University Drive.

In response to a question from Councilmember Kavanaugh, Community Development Manager Wayne Balmer outlined the leasing program provided by the City to nonprofit agencies and indicated that when seeking financing, the lease has proven to be a sufficient asset to the nonprofit agencies relative to the long-term nature of the lease.

- 8. Consider the following cases from the Downtown Development Committee and possible adoption of the corresponding ordinances.
 - a. **CZ97-001TC** 121, 125, 131, 135, and 163 South Robson Street and 150 West Second Avenue. Rezone from TCR-3 to TCB-1 (2± acres). This case involves the potential expansion of four existing Town Center businesses.
 - b. **CZ97-002TC** 433, 439, 443, 453-455 West Dana Street; 153 and 155 South Vineyard Avenue and 444 West Second Avenue. Rezone from C-2, C-3, and R-2 to TCB-2 (1.33± acres). This case involves the expansion of an existing business.

Mr. Balmer advised that issues related to items 8a and 8b have been resolved and requested that Council consider placing the items on the consent agenda.

Mayor Brown stated that items 8a and 8b would be placed on the consent agenda.

- 9. Consider the following cases from the Planning and Zoning Board and possible adoption of the corresponding ordinances.
 - b. **Z97-80** The southeast corner of Stapley Drive and the Superstition Freeway. Rezone from AG to M-1 with a Council Use Permit (37± acres). This case involves development of a movie theater complex with pad buildings. Globe Corporation, owner; Vestar Development Company, applicant. **CONTINUED FROM THE NOVEMBER 17, 1997 REGULAR COUNCIL MEETING.**

Mr. Balmer requested that this case be continued to the January 20, 1998 Regular Council Meeting to provide staff sufficient time to review the applicant's modified site plan.

Mayor Brown stated that this case will be placed on the consent agenda for the purpose of continuing the case to the January 20, 1998 Regular Council Meeting.

- c. **Z97-87** 1616 East Broadway Road. Requesting a Council Use Permit. This case involves a social service facility. Roman Catholic Diocese, owner; Christ the King Catholic Church, applicant.

Mr. Balmer advised that a letter has been submitted by Ralph Pew, attorney for the applicant, indicating that the Church would consider eliminating the evening meal program that is provided to low-income individuals. Mr. Balmer advised that staff is working with the Church to continue to meet the needs of the community. Mr. Balmer noted that based on the elimination of the evening meal program, staff would recommend approval of the request and

suggested that a revised ordinance be prepared for introduction at the January 5, 1998 Regular Council Meeting.

Vice Mayor Gilbert emphasized the importance of Christ the King Church fulfilling its ministry and working with the neighborhood.

In response to a question from Vice Mayor Gilbert, Mr. Pew stated that Christ the King Church is committed to working with the neighborhood.

Councilmember Kavanaugh commended Mr. Pew for the excellent community service work he has provided for Christ the King Church.

Councilmember Walters expressed appreciation to the Church and individuals for their efforts. Councilmember Walters spoke of her visit to Christ the King Church and emphasized the importance of the Church's ministry and the number of individuals assisted through the outreach programs. Councilmember Walters encouraged the neighbors to continue to work with the Church to improve the neighborhood.

In response to a question from Vice Mayor Gilbert, Mr. Balmer recommended that Council consider that a draft ordinance, reflecting the proposed change, be prepared for introduction at the January 5, 1998 Regular Council Meeting.

Mayor Brown spoke of his visit to the neighborhood surrounding Christ the King Church and commented on the large number of children that obtain meals from the Church. Mayor Brown expressed the opinion that the demand for this type of service has greatly increased in the community and will not be resolved through the closure of the evening meal program. Mayor Brown emphasized the importance of the City, Church, and community working together to address difficulties encountered throughout the City.

- *e. **Z97-94** The 600 block of North Val Vista Drive - west side. Rezone from R1-15 to R1-15-PAD (17± acres). This case involves development of a 33-lot single-residence subdivision. Norco Land Limited Partnership, owner; Farnsworth Holdings, Inc., applicant; also consider the preliminary plat of "Hidden Grove."

Mr. Balmer informed Council that a letter has been submitted by the applicant proposing that an entrance into the neighborhood be developed on the north side of the property. Mr. Balmer noted concerns expressed by the neighbors that an entrance would create a partially completed street and may lead to future problems. Mr. Balmer advised that the applicant has agreed to dedicate the right-of-way and deposit funds into an account which would be utilized by the City to complete the street in the future. Mr. Balmer indicated that the Public Works Department has expressed concern of the cost to develop the street in the future and the City's liability.

Public Works Manager Harry Kent referred to a map and explained staff's concerns of three street stubs located on the west side of the subdivision, the construction of a portion of a street on the north side of the development, and the future cost of completing the street. Mr. Kent suggested that the applicant install a half street during the development of the subdivision.

Mayor Brown requested that the issue of 'half streets' be discussed at a future Council meeting.

Councilmember Giles spoke in favor of proceeding with the development and suggested that the half street be developed during the construction of the subdivision and that a barricade be placed at the west end of the street.

In response to a question from Councilmember Giles, Sean Lake, attorney for the applicant, spoke of the concerns expressed by the property owners located on Dover Street (the middle street stub). Mr. Lake suggested that Council consider leaving Dover Street as it currently exists.

Councilmember Walters concurred with Councilmember Giles regarding the placement of barricades at the end of the street and suggested that speed humps also be constructed.

Mayor Brown stated that agenda item 9e will be removed from the consent agenda.

- i. **Z97-99** 2704 East McKellips Road. Rezone from R1-9 to C-2 (1± acre). This case involves development of an Auto Zone. Auto Zone, owner; Curtis Howell, Architect, applicant.

Mr. Balmer advised Council of staff's concerns regarding the development of the front portion of the property for commercial purposes and the difficulties that will be encountered upon the development of the rear portion of the property in the future.

4. Discuss and consider the processing of traffic tickets issued through the photo radar program.

Mayor Brown stated that this item has been removed from the agenda.

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

- a. Downtown Development Committee meeting held November 13, 1997
- b. Judicial Advisory Board meeting held November 19, 1997
- c. Housing and Human Services Advisory Board meeting held November 20, 1997
- d. Library Advisory Board meeting held December 2, 1997

It was moved by Councilmember Walters, seconded by Councilmember Giles, that receipt of the above listed minutes be acknowledged.

Upon tabulation of votes, it showed:

AYES - Brown-Gilbert-Giles-Kavanaugh-Pomeroy-Walters
NAYS - None
ABSENT - Payne

Mayor Brown declared the motion carried unanimously by those present.

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

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

7. Scheduling of meetings and general information.

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

Monday, December 15, 1997, 5:45 p.m. - Regular Council Meeting

Friday, December 19, 1997, 7:30 a.m. - Study Session

8. Prescheduled public opinion appearances (maximum of three speakers for five minutes per speaker).

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

9. Items from citizens present (maximum of three speakers for five minutes per speaker).

Mayor Brown advised that there were no items from citizens at this time.

10. Adjournment.

Without objection, the Study Session adjourned at 8:35 a.m.

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 12th day of December 1997. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 7th day of January 1998

BARBARA JONES, CITY CLERK