

# COUNCIL MINUTES

June 14, 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 June 14, 1996 at 8:00 A.M.

## COUNCIL PRESENT

Mayor Wayne Brown  
Pat Gilbert  
John Giles  
T. Farrell Jensen  
Dennis Kavanaugh  
Joan Payne  
Jim Stapley

## COUNCIL ABSENT

None

## STAFF PRESENT

C.K. Luster  
Don Ayers  
Wayne Balmer  
Cindy Barris  
Neal Beets  
John Gendron  
Tyrone Howard  
Mike Hutchinson  
Lars Jarvie  
Karl Kohlhoff  
Ron Krosting  
Larry Lines  
Rich Lorig  
Jeff Martin  
Dave Nichols  
Eric Norenberg  
Ruth Anne Norris  
Ellen Pence  
Bryan Raines  
Alan Sanderson  
Sharon Seekins  
Jaime Warner  
Mindy White  
Jim Wright

## OTHERS PRESENT

Bill Brando  
John DeShetler  
Al Gardner  
Clifford Harris  
Georgia Nielson  
Nick Tibshraeny  
Randy Wood  
Fred Woods

Vice Mayor Gilbert excused Mayor Brown from the beginning of the meeting. Mayor Brown arrived at 8:06 A.M.

### 1. Review items on the agenda for the June 17, 1996 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:

5. Consider tentative adoption of the proposed Fiscal Year 1996-97 budget plan.

Assistant City Manager Mike Hutchinson advised that the budget plan cannot be increased following tentative adoption but can be decreased.

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

- a. Z96-22 2424 East Southern Avenue. Rezone from R1-43 to O-S (2+/- acres). This case involves the modification of a single residence to a medical-dental office. Franklin Little D.D.S., owner/applicant. (THIS CASE WAS CONTINUED FROM THE MAY 20, 1996 CITY COUNCIL MEETING. A 3/4 VOTE IS REQUIRED TO APPROVE THIS REQUEST.)

P&Z Recommendation: Approval with conditions. (Vote 4-3.)

Mr. Balmer noted that this case requires a 3/4 vote and that the major concerns of the neighbors involve the appropriateness of the rezoning and increased traffic.

- b. Z96-29 Part of the 1100 block of West Grove Avenue (north side). Site plan review (2+/- acres). This case involves a seven-story hotel. Sabino Investing Inc., owner; BSW International, applicant.

P&Z Recommendation: Denial. (Vote 4-3.) (THIS CASE WAS CONTINUED FROM THE MAY 20, 1996 CITY COUNCIL MEETING.)

Mr. Balmer stated that the applicant has requested a continuance of this case to the July 1, 1996 Regular Council Meeting.

Mayor Brown stated that it is the consensus of the Council to place this item on the consent agenda of the June 17, 1996 Regular Council Meeting for a continuance.

- c. Z96-27 The northwest corner of Hermosa Vista Drive and 40th Street. Rezone from R1-35 to R1-35-PAD (20+/- acres). This case involves a 20-lot single-residence subdivision. E.W. Gardner, owner/applicant.

P&Z Recommendation: Approval with conditions. (Vote 5-2.)

Mr. Balmer advised that the applicant has asked for a continuance of this case.

In response to a question from Councilmember Stapley, Mr. Balmer explained that two ordinances are before Council, one recommended by the Planning and Zoning Board that deletes the requirement to dedicate right-of-way for 40th Street and another recommended by staff that requires the dedication. Mr. Balmer explained that Dr. Armstrong protests the ordinance recommended by the Planning and Zoning Board and it therefore requires a 3/4 vote.

Al Gardner, 2203 East Hackamore, applicant, reported that he met recently with Nick Tibshraeny, representing his neighbor Dr. Armstrong, who requested a 60-day

continuance of the case. Mr. Gardner protested the ordinance prepared for introduction by staff.

Council encouraged Mr. Gardner and Dr. Armstrong to continue working towards a resolution and stated support for a continuance of the case to the August 26, 1996 Regular Council Meeting.

- d. Z96-30 625 East McKellips Road. Rezone from C-2 to C-3 (1+/- acre). This case involves rezoning of an existing retail center to accommodate a furniture store. Alan J. Parry, owner/applicant.

P&Z Recommendation: Denial. (Vote 6-1.)

Mr. Balmer provided background information pertaining to Case Z96-30 and advised that the Planning and Zoning Board has recommended denial. Mr. Balmer expressed the opinion that the applicant will not be present at the June 17, 1996 Regular Council Meeting.

Councilmember Payne requested that this item remain off the consent agenda.

- f. Z96-32 The 4100 block of East McLellan Road - north side. Rezone from R1-35 to R1-35-PAD (20+/- acres). This case involves a 21-lot, single-residence subdivision. Citrus JV, owner; Gary Finlinson, applicant.

P&Z Recommendation: None. Majority vote was not achieved.

Mr. Balmer noted the development's proximity to Falcon Field. Mr. Balmer stated that the applicant is requesting 21 lots, while staff has recommended 20 lots to allow for one home per acre. Brief discussion ensued concerning the project design and amenities.

- i. Z96-36 The northwest corner of Clearview Avenue and Superstition Springs Boulevard. Site plan review (18+/- acres). This case involves the development of an 83,000-square foot theater complex and two restaurant pad buildings. The Anz Company, owner; C.C.B. & C., Inc., applicant.

P&Z Recommendation: Approval with conditions. (Vote 6-0.)

Mr. Balmer indicated that the Planning and Zoning Board, the Design Review Board, and staff recommend approval of Case Z96-36. Mr. Balmer reported that neighbors have expressed concern relative to increased traffic and are expected to speak at the June 17, 1996 Regular Council Meeting.

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

- a. Hear from Georgia Nielson regarding the smoking ordinance variance.

Georgia Nielson, owner of Priceless Too, representing owners of establishments with a Class 6 liquor license, stated support of the intent of Proposition 200 but expressed concern

regarding the expense involved to install/operate a ventilation system as required under the measure.

Fred Woods, architect, 1901 East University Drive, said that he was hired by Ms. Nielson to determine what steps would be required for the Priceless Too to comply with the conditions for a variance as described in Proposition 200. Mr. Woods informed Council that approximately 66 tons of refrigeration would be necessary to ventilate the 4,000-square foot building. Mr. Woods noted problems of logistics in addition to the high cost necessary to retrofit the establishment.

Mayor Brown advised that Council has directed staff to research alternative systems that offer equivalent ventilation but are perhaps less costly. Mayor Brown thanked Ms. Nielson and Mr. Woods for their input.

3. Review and consider proposed bus routing and scheduling changes.

Traffic and Streets Director Ron Krosting noted that Council recently asked staff to investigate options to extend bus service further east to centers such as Sunland Village East and Fountain of the Sun. Mr. Krosting stated that Transit Coordinator Jim Wright has developed a plan for consideration in response to the request.

Mr. Wright referred to information provided to Council and outlined an option (Option A) whereby the East Mesa Service Center would be eliminated from the Route 30 service area, allowing the use of one bus for a new route operating in the Power Road corridor. Mr. Wright indicated that the new route would serve the East Mesa Senior Center, East Mesa Regional Library, East Mesa Service Center, Fountain of the Sun, Leisure World, Superstition Springs Mall, and Sunland Village East and would operate at a 60-minute frequency. Mr. Wright estimated the incremental cost for the service at \$37,500. Mr. Wright commented that an additional bus would be necessary to operate the route at a 30-minute frequency.

Mr. Wright advised that another option (Option B) would involve alternating Route 30 service between the East Mesa Senior Center and Sunland Village East. Mr. Wright stated that such a route would result in hourly service at no additional cost but could not serve Fountain of the Sun.

Discussion ensued concerning Dial-a-Ride service, fare structures, and connections to other bus routes.

It was moved by Councilmember Giles, seconded by Councilmember Kavanaugh, to approve Option A as presented by staff

Carried unanimously.

Council commended Mr. Wright for his efforts.

4. Further discussion and consideration concerning the proposed FY96-97 budget.

City Manager Charles Luster stated that in tentative form, the budget reflects \$395,245,000 in operating funds and \$134,281,110 in net bond resources, for a total of \$529,526,110. Mr. Luster indicated that the following items previously requested by Council have been included in the tentative FY96-97 budget plan: a) a \$500,000 increase in Library funding for books and an expansion of hours at the Dobson Ranch Branch Library and East Mesa District Library; b) \$125,400 of additional funding for Parks, Recreation, and Cultural Division citywide programs; c) \$90,000 for the addition of a second community school program; d) \$7,284 to expand the PAY program to serve 45 additional at-risk students; e) \$50,000 for an additional Police Department GREAT officer; f) various adjustments in grant allocations related to Human Services, Fine Arts/Cultural, and Housing, as well as a funding contribution to the Mesa Historical Society; and g) funding to provide up to three additional bus bays at an estimated cost of \$80,000 per location.

Police Department

Councilmember Stapley suggested that funding for the Police Department's DUI squad and narcotics unit be included in the budget at a cost of approximately \$990,000. Councilmember Stapley commented that the motorcycle unit has not been increased over the past ten years and that the DUI squad and narcotics unit are next in the list of priorities provided by the Police Department.

Police Chief Lars Jarvie outlined the responsibilities of the DUI squad and the narcotics unit and responded to questions pertaining to the anticipated benefits of photo radar as a supplemental tool.

Vice Mayor Gilbert stated appreciation for the concerns of Councilmember Stapley but spoke in favor of Police Department resource allocations as currently proposed for the FY96-97 budget.

Mayor Brown commented concerning the importance of DUI/narcotics enforcement but indicated agreement with Vice Mayor Gilbert.

Councilmember Stapley suggested that personnel included in the budget plan be allocated to the DUI squad and narcotics units. Mr. Luster recommended that Chief Jarvie be granted discretion in assigning personnel. Mr. Luster added that the budget for the Police Department has been increased by \$11 million over last year's budget and includes funding for 92 additional staff members.

Chief Jarvie noted appreciation for Council's support and commented that while DUI/narcotics enforcement is a priority for the Police Department, personnel efforts in recent years have necessarily focused on calls for service as well as community policing.

Councilmember Jensen spoke in favor of granting Chief Jarvie discretion in allocating resources and investigating innovative methods to address the needs of the DUI squad and narcotics unit.

Councilmember Kavanaugh expressed the opinion that the proposed FY96-97 budget is both responsive and responsible. Councilmember Kavanaugh suggested that discussion concerning additional funding be tabled pending the implementation of photo radar.

Councilmember Payne requested a verbatim transcript of this agenda item.

It was moved by Councilmember Stapley to include in the FY96-97 budget plan \$460,000 in additional funding for the Police Department's DUI squad.

Mayor Brown declared the motion dead for lack of a second.

### Public Transit

Councilmember Kavanaugh referred to material provided by staff regarding additional options available in reference to the expansion of public transit service in Mesa. Councilmember Kavanaugh spoke in favor of Option 1 (extended service hours), Option 2 (new East Mesa express service), and Option 4 (Sunday service).

Discussion briefly ensued relative to the perceived demand for Sunday service.

Vice Mayor Gilbert stated a preference to eliminate funding for two bus bays and instead allocate monies for additional express routes. Vice Mayor Gilbert spoke concerning revenue sources in relation to transit.

Mr. Krosting advised that the bus bays have been included with various street improvement projects.

Mayor Brown stated support for efforts to improve public transit, particularly given the Valley's problems concerning air pollution.

Councilmember Giles indicated agreement with Councilmember Kavanaugh but suggested that Sunday service not be considered at this time.

It was moved by Councilmember Kavanaugh, seconded by Councilmember Giles, to approve Options 1 and 2 (Part 2A to be contracted with ATE) as presented by staff.

Following a request by Councilmember Jensen for clarification, Councilmember Giles withdrew the second to the motion, stating his preference to approve only Option 2.

Councilmember Kavanaugh withdrew the motion.

It was moved by Councilmember Kavanaugh, seconded by Councilmember Giles, to approve Option 2, with \$61,000 allocated toward a new East Mesa express route (Part 2A to be contracted with ATE) and \$49,000 allocated toward the expansion of Express Route 532.

Upon tabulation of votes, it showed:

AYES - Brown-Giles-Jensen-Kavanaugh-Payne-Stapley  
NAYS - Gilbert  
ABSENT - None

Mayor Brown declared the motion carried by majority vote.

5. Discuss and consider allowing commercial signage on City bus shelters and on City buses.

Councilmember Giles indicated that following discussion with staff, he has withdrawn his recommendation to consider allowing commercial signage on City bus shelters and on City buses.

6. Appointments to boards and committees.

Mayor Brown recommended the following appointments to board and committees:

BENEFITS ADVISORY COMMITTEE

Vice Mayor Gilbert (reappointment)  
Councilmember Giles

BOARD OF ADJUSTMENT

C. Webb Crockett (term ends June 30, 1998)  
Joe Farnsworth  
Jerri Martin (reappointment)

BUILDING BOARD OF APPEALS

Jim Babos (reappointment)  
Scott Grainger

CRIME PREVENTION ADVISORY BOARD

Manny Cortez  
Cliff Nugent

DESIGN REVIEW ADVISORY BOARD

Laura Hyneman (reappointment)  
Robert V. Saemisch

DOWNTOWN DEVELOPMENT COMMITTEE

Jim Davidson (reappointment)  
Lori Osiecki  
Edward N. Peno

ECONOMIC DEVELOPMENT ADVISORY BOARD

Bill Ellars (reappointment)  
James K. Mulcrone  
Mike Murray (term ends June 30, 1997)  
B. Kenneth Olson

ELECTRICAL ADVISORY BOARD

Bruce Larson (reappointment)

FIRE DEPARTMENT PENSION BOARD

Councilmember Kavanaugh (term ends June 30, 2000)

INDUSTRIAL DEVELOPMENT AUTHORITY

Jared N. Huish

Kenneth L. Messmer (term ends May 16, 2000)

Paul Rowley (reappointment)

LIBRARY ADVISORY BOARD

Opal Johnson (reappointment)

Brent H. Porter

Mary Teresa White Smith

MUNICIPAL DEVELOPMENT CORPORATION

Martin J. Whalen

MUSEUM AND CULTURAL ADVISORY BOARD

Connie L. Gullatt-Whiteman

Marcene Jones (reappointment)

Linda S. Larson (term ends June 30, 1998)

Mary Jo Whalen

PARKS AND RECREATION BOARD

Winfield Holden (reappointment)

Wanda Kay (reappointment)

Roman W. Ulman

PERSONNEL APPEALS BOARD

Joanne Berry (term ends June 30, 1997)

Susan L. Crooks (alternate member)

Leo Mahoney

John Nielson (term ends June 30, 1998)

Barbara Orr (reappointment as alternate member)

PLANNING AND ZONING BOARD

Mike McCormick (reappointment)

A.J. "Jerry" Petrie

Chris Zaharis (transfer from Board of Adjustment)

PLUMBING, MECHANICAL AND SOLAR ENERGY BOARD

Philip Maynard (reappointment)

Dave Smith (reappointment)

POLICE DEPARTMENT PENSION BOARD

Lt. Rod Johnston (elected by the Police Department personnel)

Councilmember Kavanaugh (term ends June 30, 2000)

TRAFFIC SAFETY COMMITTEE

Helen J. Gray (term ends June 30, 1997)  
Paul D. Knowles, Sr.  
Chester Wilt, Jr. (reappointment)

COUNCIL REPRESENTATION ON BOARDS OF DIRECTORS

Mesa Chamber of Commerce: Councilmember Jensen  
Mesa Convention and Visitors Bureau: Vice Mayor Gilbert  
Mesa Town Center Corporation: Councilmember Giles  
Community Roundtable: Councilmember Jensen

MAG COMMITTEES

Air Quality Policy Committee: Vice Mayor Gilbert  
Human Services Coordinating Committee: Councilmember Kavanaugh  
Regional Aviation System Plan Policy Committee: Councilmember Stapley  
Regional Council: Mayor Brown  
Regional Development Policy Committee: Councilmember Payne  
Solid Waste Coordinating Committee: Councilmember Kavanaugh  
Youth Policy Advisory Committee: Councilmember Jensen

It was moved by Vice Mayor Gilbert, seconded by Councilmember Stapley, that the Council concur with the Mayor's recommendations and the appointments be confirmed.

Carried unanimously.

7. Scheduling of meetings and general information.

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

Monday, June 17, 1996, 5:30 p.m. - Regular Council Meeting

Monday, June 24, 1996 - Tentative Study and/or Special Council Meeting

Tuesday, July 2, 1996, 4:00 p.m. - Policy Session

(Mr. Luster reported that the July 5, 1996 Study Session has been cancelled.)

Friday, August 2, 1996, 7:30 a.m. - Study Session

Monday, August 5, 1996, 5:30 p.m. - Regular Council Meeting

Friday, August 23, 1996, 7:30 a.m. - Study Session

Monday, August 26, 1996, 5:30 p.m. - Regular Council Meeting

Tuesday, September 3, 1996, 5:30 p.m. - Regular Council Meeting

Monday, September 16, 1996, 5:30 p.m. - Regular Council Meeting

Mr. Luster stated that an Executive Session to interview two City judges for possible reappointment has been scheduled for Monday, June 17, 1996, at 4 p.m.

Executive Assistant Ellen Pence noted that Tuesday, August 6, 1996, is National Night Out. Ms. Pence invited any Councilmembers interested in visiting various block parties throughout the community to report to the Police Department's Main Station at 6:30 p.m.

Mayor Brown advised that he has appointed an ad hoc committee to review the City's current election process. Mayor Brown said that the committee will meet for a maximum of four months.

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

Bill Brando, 61 South Macdonald, spoke regarding Proposition 200 and asked that Council obtain and publish a legal opinion regarding the constitutionality of the measure.

John DeShetler, Main Street Billiards, 1749 West Main Street, expressed concern that Proposition 200 will have a substantial detrimental effect on his business and requested further discussion to resolve issues and avoid legal challenges.

Mayor Brown thanked Mr. Brando and Mr. DeShetler for their comments.

9. Adjournment.

It was moved by Councilmember Stapley, seconded by Councilmember Gilbert, that the Study Session adjourn at 9:53 A.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 14th day of June 1996. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 8<sup>th</sup> day of July 1996

BARBARA JONES, CITY CLERK