

COUNCIL MINUTES

September 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 September 12, 1997 at 7:31 a.m.

COUNCIL PRESENT

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

COUNCIL ABSENT

Mayor Wayne Brown

STAFF PRESENT

C.K. Luster
Pauline Backer
Joan Baier
Wayne Balmer
Neal Beets
Denise Bleyle
Tanya Collins
Mark Coon
Laurie Goggin
Mike Hutchinson
Lars Jarvie
Barbara Jones
Sharon Joyce
Harry Kent
Wayne Korinek
Dorinda Larsen
Larry Lines
Rich Lorig
Jeff Martin
Frank Mizner
Ruth Ann Norris
Ellen Pence
Bryan Raines
Tom Remes

STAFF PRESENT (CONT.)

Becky Richardson
Sharon Seekins
Debbie Vickman
Mindy White
Paul Wilson
Ralph Wisz
Others

OTHERS PRESENT

Terry Allison
Debra Duvall
Peggy Glick
Beverly Hart
Jim Hart
Chris Moeser
Jerry Petrie
Ralph Pew
Jans Tingen
Shirley Wheat
Marilyn Wilson
Kenny Woodward
Others

Vice Mayor Gilbert excused Mayor Brown from the meeting.

1. Deleted.

2. Hear and consider a request from Mesa United Way for support of and match funds for **KidsCAN** project.

Special Projects Coordinator Laurie Goggin advised that Mesa United Way is requesting City funding to support after-school activities for youth. Ms. Goggin provided a brief overview of the proposed request. Ms. Goggin informed Council that the Mesa United Way recently completed a 6-month planning process funded by the DeWitt Wallace-Reader's Digest Foundation regarding fostering positive youth development in Mesa. Ms. Goggin spoke of the importance of after-school youth developmental and parental activities at the elementary school level. Ms. Goggin noted that the proposed program would commence at Taft Elementary School January 1998, at Sousa Elementary School during the 1998/1999 school year and at three additional elementary schools during the 1999/2000 school year. Ms. Goggin spoke regarding staffing requirements at the sites and noted that project funding would be provided in partnership with Mesa Public Schools, Mesa United Way, and fund raising by the participating schools.

In response to questions from Councilmember Kavanaugh, Peggy Glick, Director of Mesa Learning Readiness Initiative, explained that in three years, when the DeWitt Wallace-Reader's Digest Foundation assistance expires, it is anticipated that funding from alternate sources will be available. Ms. Glick briefly discussed program outcome measurements.

Councilmember Kavanaugh expressed support for the concept but indicated caution relative to the continuation of the program once funding from DeWitt Wallace-Reader's Digest Foundation expires.

In response to a question from Councilmember Giles, Ms. Debra Duvall, President of the Mesa United Way, stated that City departments and community organizations have been consulted relative to the development of the proposed program. Ms. Duvall briefly explained the program, anticipated community involvement, and outcome measurements. Ms. Duvall noted that Mesa United Way is currently requesting \$10,000 for the 1997/1998 school year and future support and funding. Ms. Duvall informed Council that the Mesa United Way, Mesa Public Schools, and the City of Mesa would be considered partners in the program.

Vice Mayor Gilbert briefly commented on the increased amount of funding provided by the City for youth programs within the community.

Discussion ensued relative to site councils, existing YMCA and Parks and Recreation after-school programs, the expansion of current programs, and concerns relative to future program funding.

It was moved by Councilmember Pomeroy, seconded by Councilmember Stapley, that the request from Mesa United Way for support of and match funds for KidsCAN project be approved for the 1997-1998 school year.

Upon tabulation of votes, it showed:

AYES - Gilbert-Giles-Kavanaugh-Pomeroy-Stapley
NAYS - Payne
ABSENT - Brown

Vice Mayor Gilbert declared the motion carried by majority vote of those present.

3. Discuss and consider a partial ban on deadly weapons in City buildings and vehicles.

City Manager Charles Luster referred to a proposed ordinance and discussed staff's request for increased security in City facilities and vehicles.

Councilmember Payne expressed opposition to the proposed ordinance. Councilmember Payne stated the opinion that banning firearms would deny citizens their Second Amendment Right to bear arms. Councilmember Payne questioned funding sources for the installation of security equipment and enforcement of the ordinance.

In response to questions from Councilmember Payne, City Attorney Neal Beets stated that the proposed ordinance was written to provide staff flexibility in determining the optimum locations for security equipment and phased in installation. Mr. Beets explained that the proposed ordinance would not guarantee the safety of the employees but would enhance security measures. Mr. Beets noted two areas of importance: 1) the proposed ordinance creates an opportunity for citizens and staff to obtain an exception to the ordinance; and 2) the proposed ordinance does not state that security equipment will be installed in all City facilities but rather in specific areas of concern. Mr. Beets informed Council that the proposed ordinance is less restrictive than regulations in effect in most other cities, the State, and the Federal Government. Mr. Beets said that security concerns have been expressed by various members of City staff.

In response to a question from Councilmember Giles, Mr. Beets explained that former Attorney General Bob Corbin has expressed the opinion that the State can convict individuals carrying firearms in State facilities. Mr. Beets added that a court case involving the City of Phoenix determined that the City's ban on firearms in City facilities was legal in accordance with the Second Amendment.

Discussion ensued relative to ordinance exceptions, signage, proposed locations for the security equipment, and Second Amendment Rights.

It was moved by Councilmember Giles, seconded by Councilmember Kavanaugh, that the proposed ordinance for a partial ban on deadly weapons in City buildings and vehicles be placed on the agenda of a future Regular Council Meeting for introduction.

Upon tabulation of votes, it showed:

AYES - Gilbert-Giles-Kavanaugh-Pomeroy-Stapley
NAYS - Payne
ABSENT - Brown

Vice Mayor Gilbert declared the motion carried by majority vote of those present.

Vice Mayor Gilbert stated that a public hearing regarding the proposed ordinance will be held at a future Regular Council Meeting.

4. Deleted.

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

- a. Judicial Advisory Board meeting held August 26, 1997
- b. Economic Development Advisory Board meeting held August 28, 1997
- c. Library Advisory Board meeting held September 2, 1997
- d. Design Review Board meeting held September 3, 1997

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

Vice Mayor Gilbert declared the motion carried unanimously by those present.

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

Councilmember Payne reported on a recent trip to Orange County, California and stated that she, Councilmember Pomeroy, and Councilmember Kavanaugh toured three performing arts centers. Councilmember Payne briefly provided details relative to the performing arts centers and stated the opinion that the information will be beneficial in the development of a proposed performing arts center in Mesa.

7. Scheduling of meetings and general information.

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

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

Friday, September 19, 1997, 7:30 a.m. - Transportation Committee Meeting

Friday, September 26, 1997, 7:30 a.m. - Study Session

Mr. Luster informed Council that the previously scheduled Friday, September 19, 1997 Study Session has been canceled.

8. Review items on the agenda for the September 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:

4. Consider the following contracts.

*1. Transportation Storage Building at the East Mesa Service Center.

This project involves constructing a new storage building at the East Mesa Service Center which is located east of Power Road and south of Adobe Road.

Recommend award to low bidder, R.K. Sanders, in the amount of \$174,000.00.

In response to a question from Councilmember Stapley, Public Works Manager Harry Kent provided a brief overview of the proposed storage facility and explained that items such as paint and construction materials will be stored at this site.

5. Introduction of the following ordinances and setting October 6, 1997 as the date for the public hearing on these ordinances.

*a. Establishing a business license for the operation of recovery homes and supervised living facilities.

Community Development Manager Wayne Balmer discussed the proposed ordinance and indicated that approval of applications for the business licenses would be based on three components: 1) description of the facilities' use, 2) anticipated interaction with neighbors, and 3) whether the proposed home locations will be a minimum of 1,200 feet from another existing recovery home or supervised living facility. Mr. Balmer stated that a fee would be applied to new and existing facilities.

6. Consider the following resolutions.

*a. Extinguishing a portion of a public utility easement at 1520 East Elmwood.

This easement is not being used and is no longer necessary. **CONTINUED FROM THE AUGUST 4, 1997 AND AUGUST 25, 1997 REGULAR COUNCIL MEETINGS.**

Mr. Kent advised Council that staff has not received a diagram of the proposal from the applicant as requested.

Vice Mayor Gilbert expressed opposition to the approval of the request based on the applicant's failure to provide requested information and the fact that the applicant initiated construction on the property without obtaining proper permission or permits.

*c. Approving the execution of an Intergovernmental Agreement with the State of Arizona relating to the acceleration of the right-of-way acquisition, roadway design and construction of State Route 202L, Red Mountain Freeway between Country Club Drive and Gilbert Road, authorizing the taking of all other actions necessary to the consummation of the transactions contemplated by this resolution; and declaring an emergency.

In response to a question from Councilmember Stapley, City Manager Charles Luster indicated that the Gilbert Road project may be delayed in an attempt to avoid difficulties similar to those encountered on the McKellips Road project.

7. Consider the following ordinances.

- *c. Relating to the Mesa Judicial Advisory Board, amending Section 3-2-8 of the Mesa City Code and declaring an emergency. **CONTINUED FROM THE SEPTEMBER 2, 1997 REGULAR COUNCIL MEETING.**

Councilmember Kavanaugh requested that Item 7c be removed from the consent agenda.

Marilyn Wilson, Chairman of the Judicial Advisory Board, explained that the proposed amendment reflects concerns of Judicial Advisory Boardmembers relative to Ordinance No. 3340, Section 3-2-8(A)2, responsibilities of the Boardmembers. Ms. Wilson indicated that the proposed ordinance would provide guidance in determining conflicts of interest.

Jim Hart, Vice Chairman of the Judicial Advisory Board, questioned the distinction between the terms "recruitment" and "actively campaigning for a candidate." Mr. Hart noted Judicial Advisory Boardmembers' concerns relative to determining conflicts of interest.

Councilmember Kavanaugh stressed the importance of public perception regarding open and fair recruitment in the appointment of City Magistrates.

Discussion ensued relative to the interpretation of the word "recruitment," when the Board would determine a conflict of interest, and the potential influence of Boardmembers.

In response to a question from Councilmember Stapley, Mr. Hart expressed the opinion that the word "recruit" should remain in the ordinance. Mr. Hart suggested that a distinction be made between the words "recruit" and "campaign" to assist in determining conflicts of interest.

In response to a question from Councilmember Giles, City Attorney Neal Beets stated the opinion that the language of the ordinance may be revised to provide a distinction between recruitment of and campaigning for an applicant.

Councilmember Giles indicated support for the proposed ordinance but agreed that the language should be revised to provide a distinction between recruitment of and campaigning for an applicant.

Vice Mayor Gilbert expressed the opinion that Council has relayed its concerns to the Board relative to recruiting and campaigning for a candidate and stated support for the proposed ordinance. Vice Mayor Gilbert indicated that Council could readdress this issue at a later date if necessary.

Councilmembers Stapley, Kavanaugh, Giles, and Pomeroy also stated support for the proposed ordinance.

In response to a request from Councilmember Kavanaugh, Vice Mayor Gilbert stated that agenda Item 7c will remain on the consent agenda.

9. Consider the following cases from the Planning and Zoning Board and possible adoption of the corresponding Ordinances.

*b. **Z97-74** 8865 East Baseline Road. Modification of an approved PAD (80± acres). This case involves a modification to approved setbacks and zoning conditions for "Monte Vista". Homefree Village Resorts, owner; W. Ralph Pew, applicant. **CONTINUED FROM THE AUGUST 25, 1997 REGULAR COUNCIL MEETING.**

Mr. Balmer informed Council that residents of Monte Vista have requested that the case be continued to the December 15, 1997 Regular Council Meeting to allow the community's 1300 winter residents to return and be advised of the proposed rezoning.

Ralph Pew, 40 North Center, representing the applicant, stated the opinion that the case should not be delayed and provided brief justification for proceeding at this time.

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

Vice Mayor Gilbert advised that there were no prescheduled public opinion appearances.

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

Shirley Wheat, 2262 West Del Oro, spoke in opposition to banning firearms in City facilities. Ms. Wheat expressed the opinion that the proposed ordinance does not provide citizens and staff the ability to protect themselves or carry weapons under the 'concealed weapons' law. Ms. Wheat suggested that lockers to store firearms be provided at all City facilities.

Terry Allison, 8455 East Mulberry Street, Scottsdale, President of the Arizona State Rifle and Pistol Association, expressed opposition to the proposed ordinance. Mr. Allison questioned the intent and necessity of the ordinance and cited State law relative to the creation of ordinances which conflict with State law.

Kenny Woodward stated opposition to the proposed firearm ordinance and discussed the intent of the ordinance and the number of facilities and public buses that would be affected.

11. Adjournment.

It was moved by Councilmember Stapley, seconded by Councilmember Pomeroy, that the Study Session adjourn at 9:25 a.m.

Carried unanimously.

PAT GILBERT, VICE MAYOR

ATTEST:

BARBARA JONES, CITY CLERK
Study Session

September 12, 1997

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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 September 1997. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 9th day of October 1997

BARBARA JONES, CITY CLERK